

JOINT BUDGET COMMITTEE



STAFF BUDGET BRIEFING FY 2020-21

JUDICIAL BRANCH

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

PREPARED BY:
STEVE ALLEN, JBC STAFF
DECEMBER 3, 2019

JOINT BUDGET COMMITTEE STAFF
200 E. 14TH AVENUE, 3RD FLOOR • DENVER • COLORADO • 80203
TELEPHONE: (303) 866-2061 • TDD: (303) 866-3472
<https://leg.colorado.gov/agencies/joint-budget-committee>

CONTENTS

Department Overview	1
Department Budget: Recent Appropriations.....	3
Department Budget: Graphic Overview	4
General Factors Driving the Budget.....	8
Summary: FY 2019-20 Appropriation & FY 2020-21 Request	14

ISSUES

Contractor Rate Increases.....	34
S.B. 18-249 and S.B. 18-251.....	38
Issue: Judicial Officer Staffing.....	41

APPENDICES

A. Numbers Pages.....	50
B. Recent Legislation Affecting Department Budget	77
C. Update on Long Bill Footnotes and Requests for Information.....	83
D. SMART Act Annual Performance Reports and FY 2018-19 Performance Plans	106
E. Judicial District Map	107
F: Court Filings by Court and Case Type.....	108
G: Court Staffing Levels for FY 2018-19	114
H: State Funding for District Attorneys	108
I: Letter from ORPC Commission	115

JUDICIAL BRANCH

BRANCH OVERVIEW

One of three branches of Colorado state government, the Judicial Branch is established in Article 6, Section 1 of the Colorado Constitution. It interprets and administers the law, resolves disputes, and supervises offenders on probation. The Chief Justice of the Colorado Supreme Court, selected by the justices of the Court, is the executive head of the Branch. The justices also appoint a State Court Administrator to oversee the daily administration of the Branch and provide administrative and technical support to the courts and probation. The General Assembly has established 22 judicial districts within the state, and the General Assembly establishes the number of justices and judges at each level of the state court system¹. The state court system consists of four primary courts:

- *County Courts* have limited jurisdiction, handling civil cases under \$15,000, misdemeanors, civil and criminal traffic infractions, felony complaints, protection orders, and small claims.
- *District Courts* have general jurisdiction, handling felony criminal cases, large civil cases, probate and domestic matters, cases for and against the government, as well as juvenile and mental health cases. District Courts also include water courts (one in each of the seven major river basins in Colorado) which have exclusive jurisdiction over cases concerning water matters.
- The *Colorado Court of Appeals* hears cases when either a plaintiff or a defendant believes that the trial court made errors in the conduct of the trial. The Court of Appeals also reviews decisions of several state administrative agencies.
- The *Colorado Supreme Court* also hears appeals, but only when it considers the cases to have great significance. The Supreme Court may also answer legal questions from the General Assembly regarding proposed laws. The Supreme Court is also responsible for overseeing the regulation of attorneys and the practice of law, and for reviewing judges standing for retention during elections.

Municipal courts and Denver's *county* court are not part of the state court system, and are funded by their respective local governments. In addition, all counties are required to provide and maintain adequate court facilities for their respective district and county courts.

The Branch is also charged with supervising offenders on probation. Managed by the chief probation officer in each judicial district, approximately 1,250 employees prepare assessments and provide pre-sentence investigation services to the courts, supervise offenders sentenced to community programs, and provide notification and support services to victims. Investigation and supervision services are provided based on priorities established by the Chief Justice and each offender's risk of re-offending.

¹ Legislation changing the boundaries of a judicial district or changing the number of Supreme Court justices or district court judges requires a 2/3 majority in each house [Article VI, Sections 5 and 10 of the State Constitution.]

The Judicial Branch also includes seven independent agencies:

- The *Office of State Public Defender* (OSPD) provides legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. The OSPD is comprised of a central administrative office, an appellate office, and 21 regional trial offices. The OSPD employs about 760 individuals including attorneys, investigators, and support staff.
- The *Office of Alternate Defense Counsel* (OADC) oversees the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child's Representative* (OCR) oversees the provision of legal representation to children and youth involved in the court system, primarily due to abuse, neglect, or delinquency. Generally, the Office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Respondent Parents' Counsel* (ORPC) oversees the provision of legal representation for indigent parents or guardians who are involved in dependency and neglect proceedings. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child Protection Ombudsman* (OCPO) serves as an independent and neutral organization to investigate complaints and grievances about child protection services, make recommendations about system improvements, and serve as a resource for persons involved in the child welfare system.
- The *Independent Ethics Commission* (IEC) hears complaints, issues findings, assesses penalties, and issues advisory opinions on ethics-related matters concerning public officers, state legislators, local government officials, or government employees.
- The *Office of Public Guardianship* (OPG) is a pilot program that provides legal guardianship services for incapacitated and indigent adults who have no other guardianship prospects in Denver County.

Each of the independent agencies submits a separate budget request which is not reviewed or approved by either the Chief Justice or the Governor's Office of State Planning and Budgeting. Thus, it is up to the General Assembly to evaluate the relative merits of the budget initiatives contained in the seven budget requests that are submitted by Judicial Branch agencies.

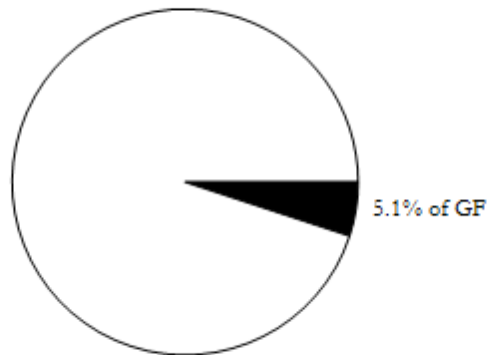
DEPARTMENT BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21 *
General Fund	\$517,650,016	\$560,930,830	\$616,134,492	\$660,340,291
Cash Funds	161,594,597	166,229,388	170,265,416	168,717,465
Reappropriated Funds	35,775,245	37,273,036	49,698,893	55,946,204
Federal Funds	4,425,000	4,425,000	4,425,000	4,425,000
TOTAL FUNDS	\$719,444,858	\$768,858,254	\$840,523,801	\$889,428,960
Full Time Equiv. Staff	4,650.3	4,744.8	4,869.8	5,045.9

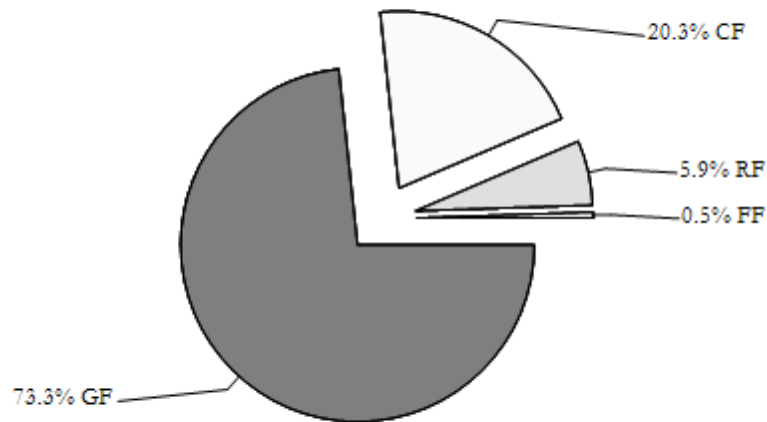
*Requested appropriation.

DEPARTMENT BUDGET: GRAPHIC OVERVIEW

**Department's Share of Statewide
General Fund**

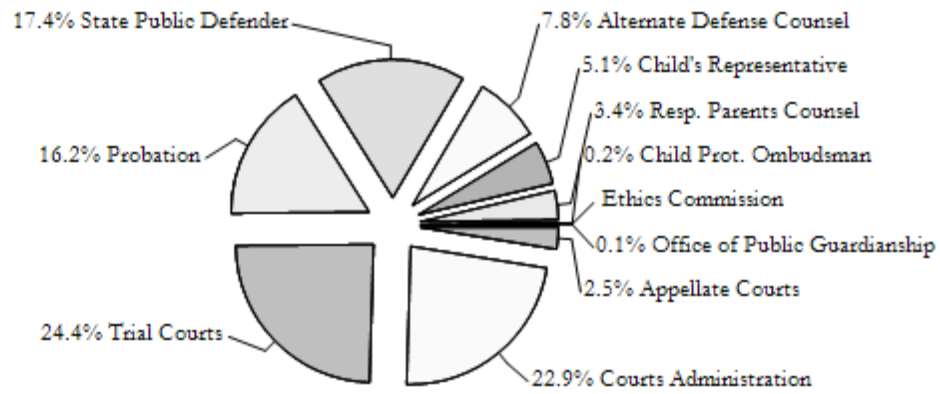


Department Funding Sources

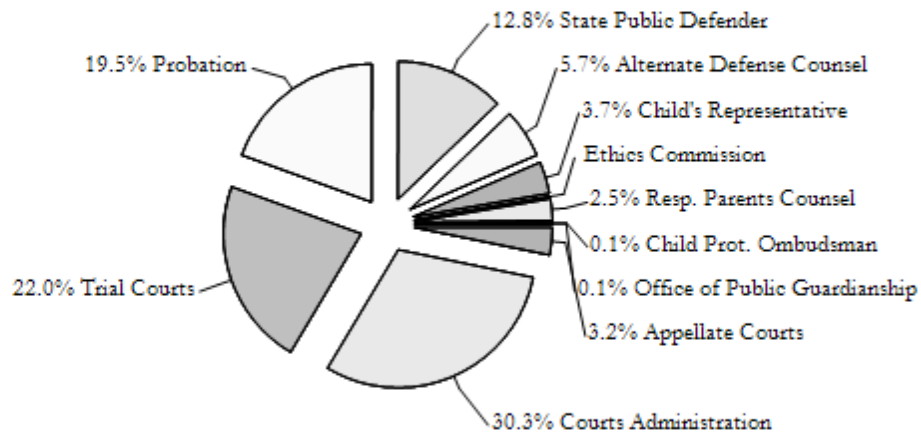


All charts are based on the FY 2019-20 appropriation.

Distribution of General Fund by Division

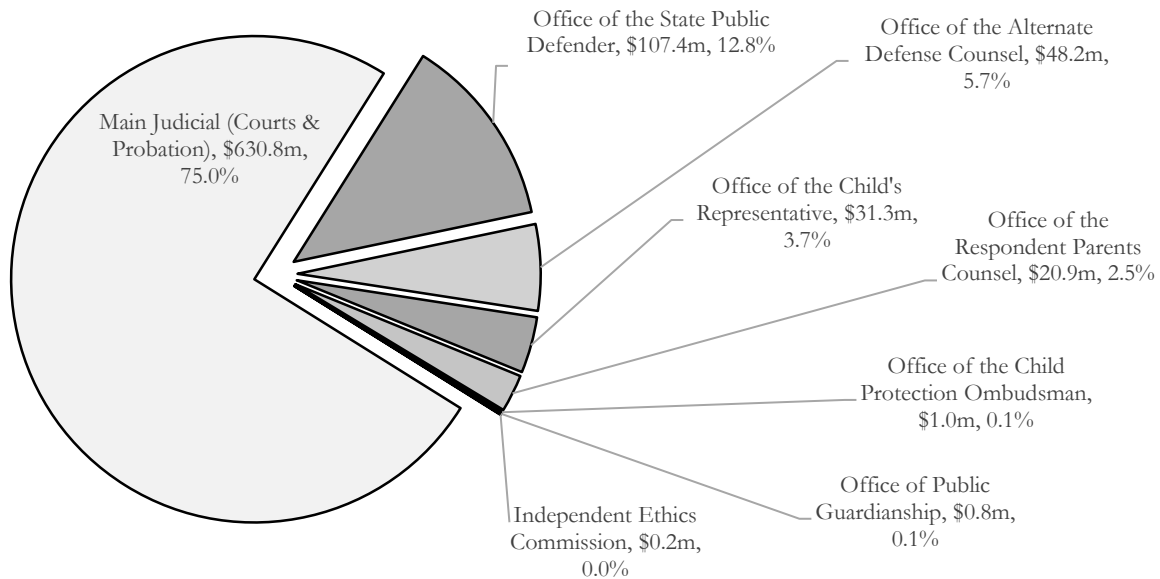


Distribution of Total Funds by Division

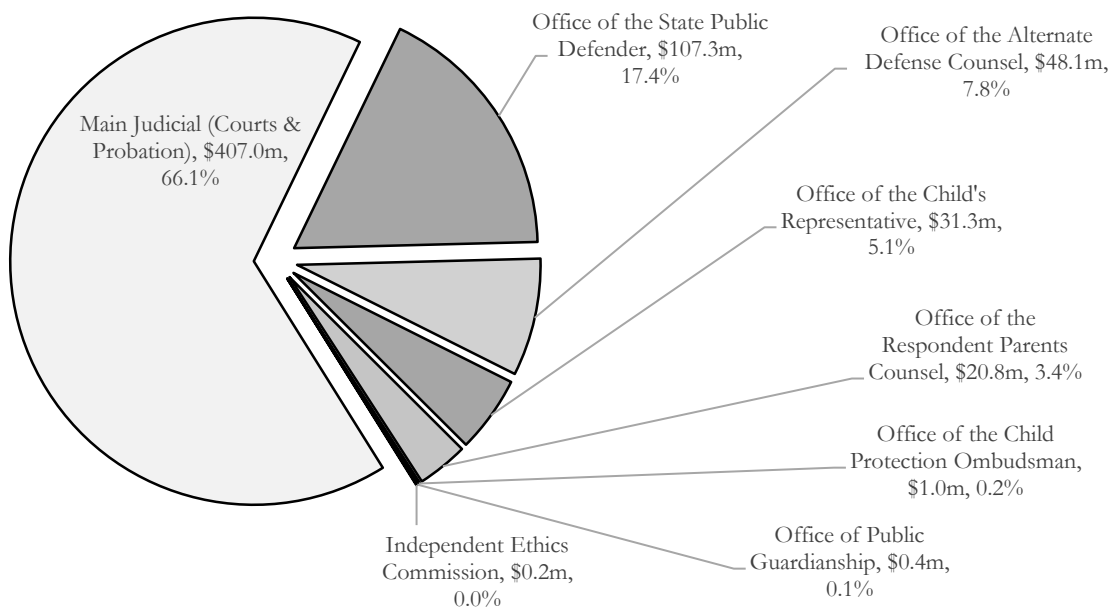


All charts are based on the FY 2019-20 appropriation.

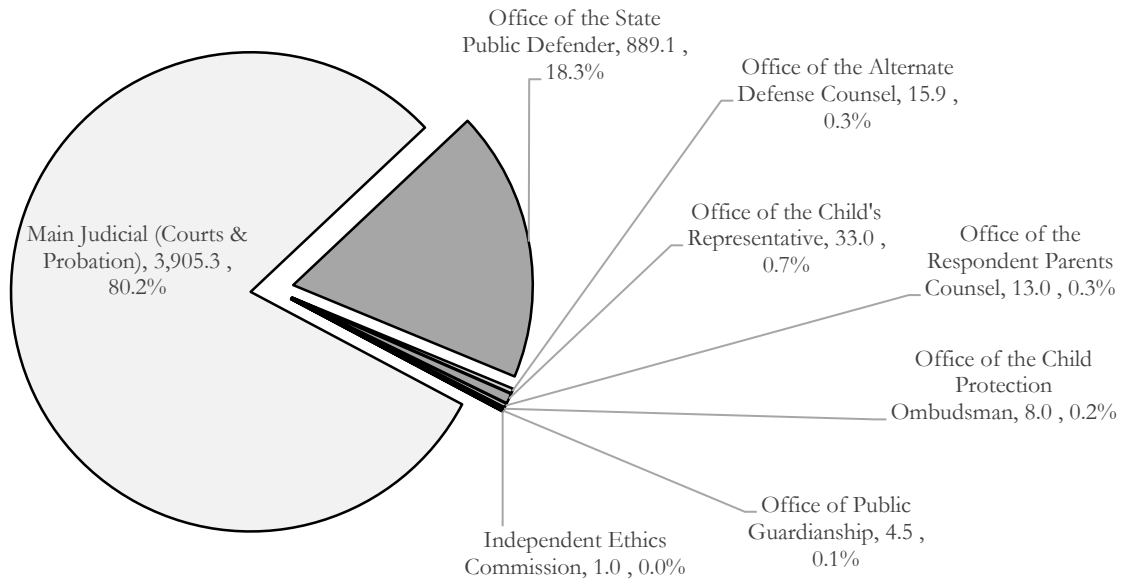
FY19-20 Total Appropriation For Each Judicial Branch Agency



FY19-20 General Fund Appropriation For Each Judicial Branch Agency



FY19-20 FTE For Each Judicial Branch Agency

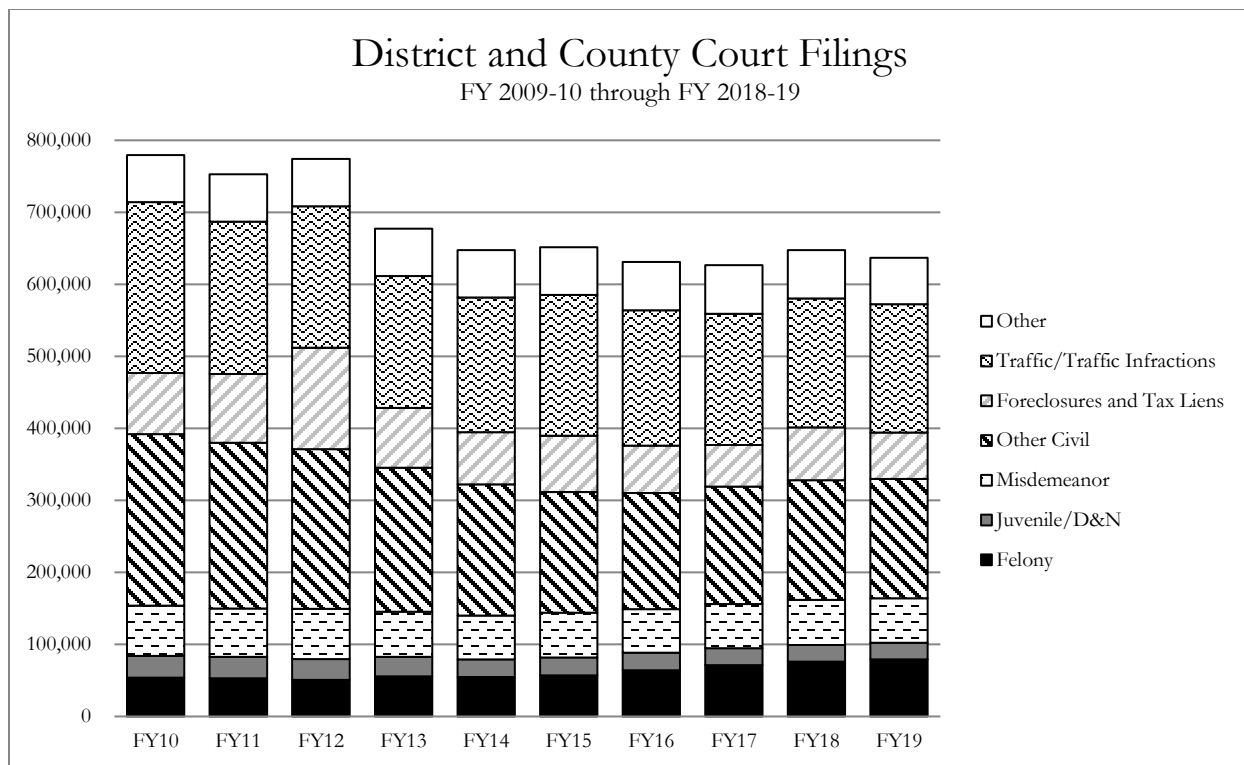


GENERAL FACTORS DRIVING THE BUDGET

The main factor driving the Judicial Branch's budget is caseload, which affects the ability of judges, attorneys, probation officers, and support staff to fulfill their constitutional and statutory duties in a timely and professional manner. Caseload changes are generally driven by increases in state population, changes in the state's economic climate (which may affect both the crime rate and the proportion of clients eligible for state-funded representation), and legislative changes. Workload is also impacted by the types of cases filed, as some cases require more time and resources than others. Generally, felony cases, dependency and neglect cases, problem-solving court cases, water cases, and complex civil cases require the most resources.

CASE FILINGS AND THE NEED FOR COURT STAFF

In FY 2018-19, approximately 641,000 new cases were filed in the state court system, including 412,806 (64 percent) in county courts, 224,956 (35 percent) in district and water courts, 2,481 in the Court of Appeals, and 1,333 in the Supreme Court. The following chart depicts the number of cases filed in county and district courts in each of the last ten fiscal years, by case type. Cases are divided into the following categories: felony; juvenile/dependency and neglect ("D&N"); civil – foreclosures and tax liens; civil – other; misdemeanor; traffic/ traffic infractions; and other.



Over the last ten years, *county court* filings decreased by 26.6 percent (149,297 cases). County court cases have declined in every category, but decreases in traffic and civil case filings account for 92.3 percent of the overall decline. Over the same decade, *district court* filings increased by 18.8 percent (35,477 cases), primarily due to increases in tax lien, felony, probate, and mental health cases. As illustrated in the above chart, the number of civil cases involving foreclosures or tax liens has declined significantly since the great recession. While some civil cases can require a significant

amount of judge and staff time, foreclosure and tax lien cases generally do not. The case filing data for those case types that do have a significant workload impact is mixed. For example, felony criminal case filings have increased by 42.6% percent in the last four years (16,828 cases), while juvenile cases have declined by 28.1 percent (7,053 cases). *[See Appendix G for more details about court case filings.]*

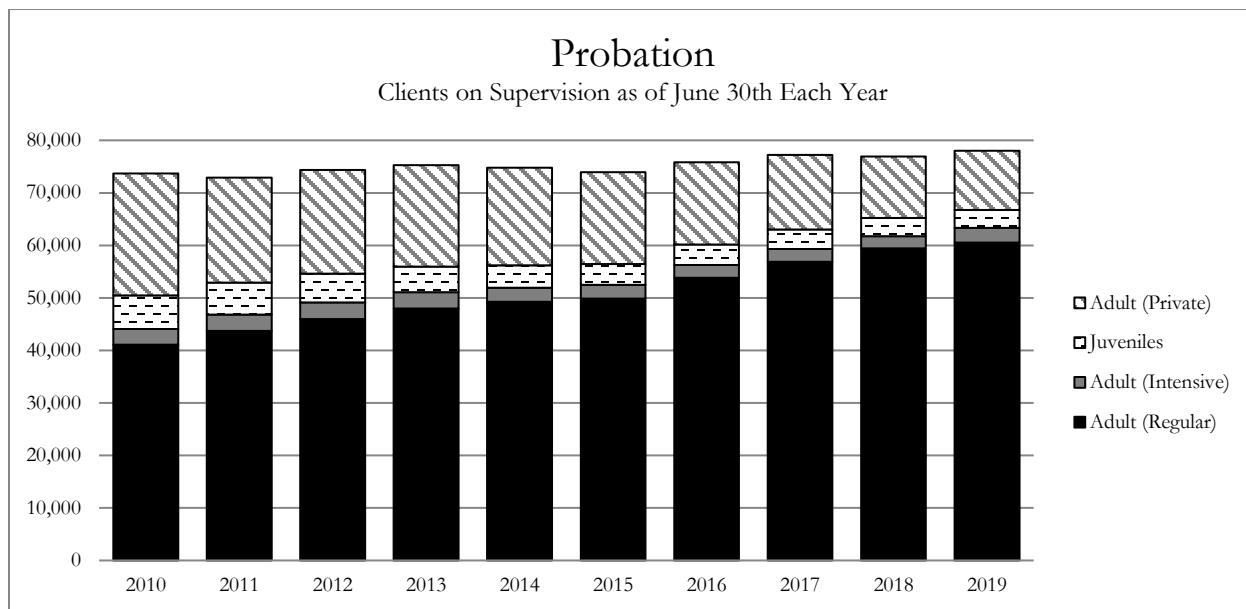
The Department routinely monitors its workload and periodically requests funding and FTE through the budget process or through legislation. In response to workload increases, the General Assembly periodically passes legislation to increase the number of judges within one or more judicial districts. *[See Appendix G for more details about court staffing levels.]*

PROBATION AND RELATED SERVICES CASELOAD

Individuals sentenced to probation, as an alternative to incarceration, remain under the supervision of the court. Failure to comply with the conditions of probation set forth in the court's sentencing order may result in revocation of probation and a new sentence to jail or prison. Managed by the chief probation officer in each judicial district, approximately 1,300 employees prepare assessments, provide pre-sentence investigation services to the courts, and supervise offenders sentenced to probation. Supervision services are provided based on each offender's risk of re-offending.

Funding for probation services is primarily driven by the number and types of offenders sentenced to probation and statutory requirements concerning probation eligibility and supervision time frames. Those offenders that present a higher risk of re-offending require more resources. For example, the most recent data (FY 2019-20) indicates that the average annual cost of probation supervision ranges from \$1,379 for an adult on "regular" probation, to \$3,883 for an adult on "intensive" supervision, to \$4,902 for an adult on "sex offender" intensive supervision probation; similarly, the average annual cost of probation supervision ranges from \$2,330 for a juvenile on regular probation to \$3,462 for a juvenile on intensive supervision.

The *total* number of offenders on probation has gradually increased since 2010, from 73,694 to 77,989, with two dips along the way. Over that period, the number of adult offenders who are supervised by private probation providers has declined by more than half as the Department relied increasingly on supervision by state employees. The following chart depicts changes in the numbers of adults and juveniles on supervision over that period. Overall, the number of juvenile and adult offenders who are supervised by state staff increased from 50,501 in June 2010 to 66,737 in June 2019 (a 32.1 percent increase). As this number grows, so does the need for probation supervisors, officers, and support staff to adequately supervise offenders. The Department routinely monitors its workload and periodically requests additional funding to adjust probation staffing levels based on the number and types of offenders sentenced to probation.



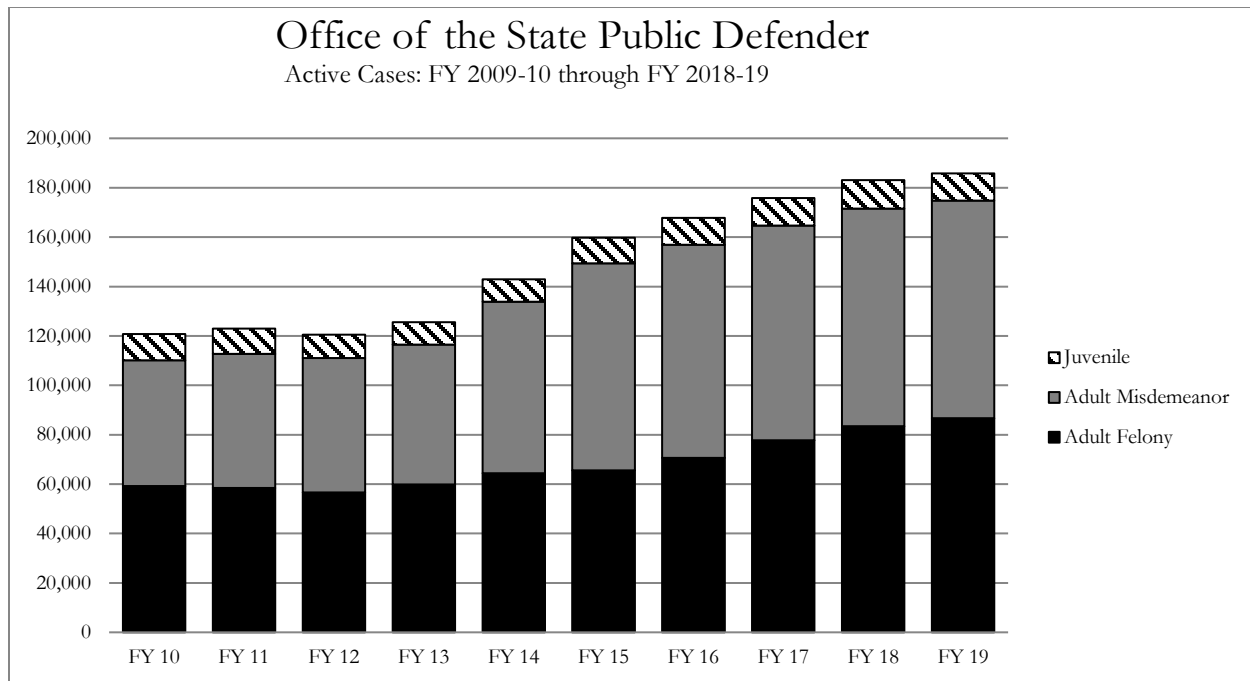
In addition, the General Assembly appropriates state funds to subsidize the cost of required treatment and services for offenders on probation.

CASELOAD IMPACTS UNIQUE TO INDEPENDENT AGENCIES

The independent agencies that provide legal representation are affected in different ways by changes in the number of cases filed, based on the clients they represent.

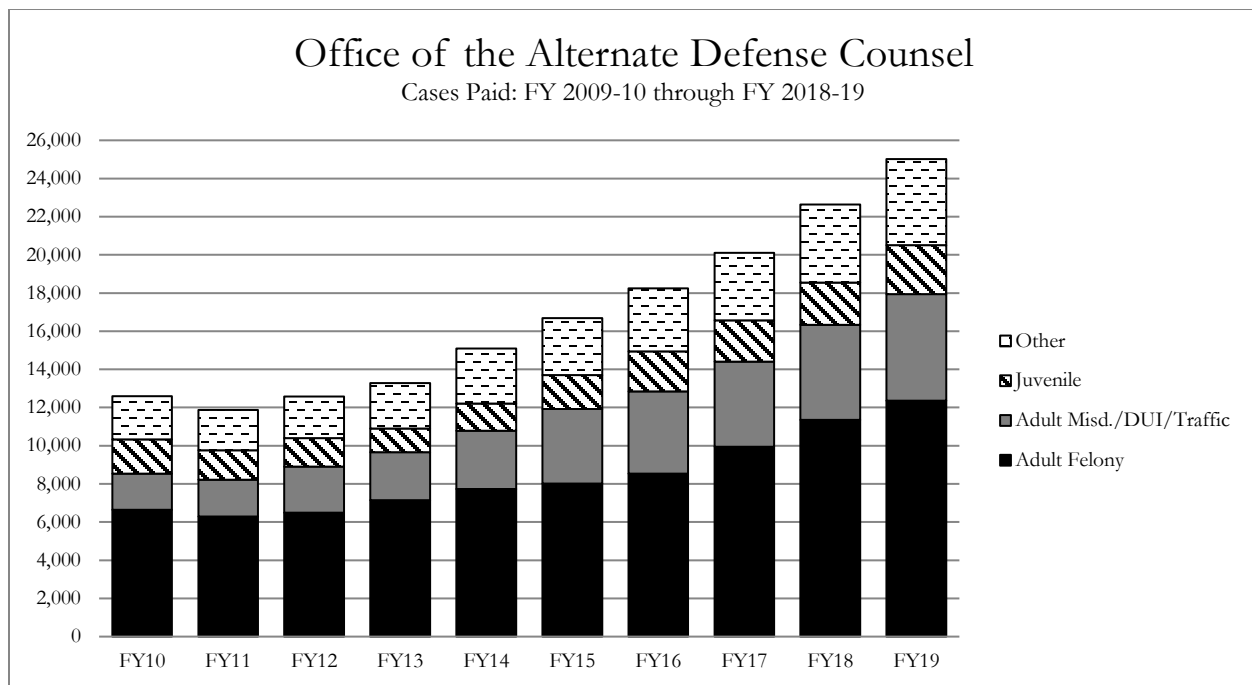
The *Office of the State Public Defender (OSPD)* represents criminal defendants who have inadequate financial resources to pay for their own defense. The OSPD's workload is affected by the number and types of cases filed, as well as the proportion of clients who are eligible for state-funded representation. The OSPD provided legal representation in 185,772 cases in FY 2018-19, at an average cost of \$517 per active case, with felony cases costing more than twice as much as misdemeanor cases. Approximately 90 percent of adult felony defendants receive state funded representation (either through the OSPD or the Office of the Alternate Defense Counsel, which is discussed below), compared to 66 percent of adult misdemeanor defendants. Thus, felony and serious misdemeanor cases are the primary factor driving OSPD staffing needs.

The total number of cases requiring public defender involvement has increased every year but one since FY 2009-10, rising 17,958 (10.7 percent) in the last three years. The biggest component of this increase was 16,081 (22.8 percent) adult felony cases. The number of adult misdemeanor cases has increased by a more modest 1,809 (2.1 percent) over this period. The OSPD routinely monitors its workload and periodically requests additional funding to ensure that staffing levels are sufficient to provide legal representation in an ethical and effective manner.



The *Office of the Alternate Defense Counsel (OADC)* contracts with private attorneys to represent indigent defendants in cases where the OSPD has an ethical conflict of interest in providing legal representation, often because the client is a witness or a co-defendant in a case in which the OSPD is representing someone. The OADC paid for legal representation in 25,022 cases in FY 2018-19, at an average cost of \$1,474 per case. Similar to the OSPD, certain types of cases (e.g., homicide) are more expensive than others; these cases require more hours of attorney time and a higher hourly rate.

As illustrated in the following chart, the OADC's overall caseload has varied more than that of the OSPD. Like the OSPD, it has experienced significant caseload increases in the last three fiscal years (an overall increase of 6,778 cases, a 37.2 percent increase). The OADC experienced increases in every case type, but the most significant increases occurred in adult felony cases (3,813 additional cases, a 44.6 percent increase) and adult misdemeanors, DUI, and Traffic cases (1,280 additional cases, a 29.7 percent increase). As the OADC contracts with private attorneys, it routinely submits requests for budget adjustments to ensure that it has sufficient funding to cover payments for all assigned cases.

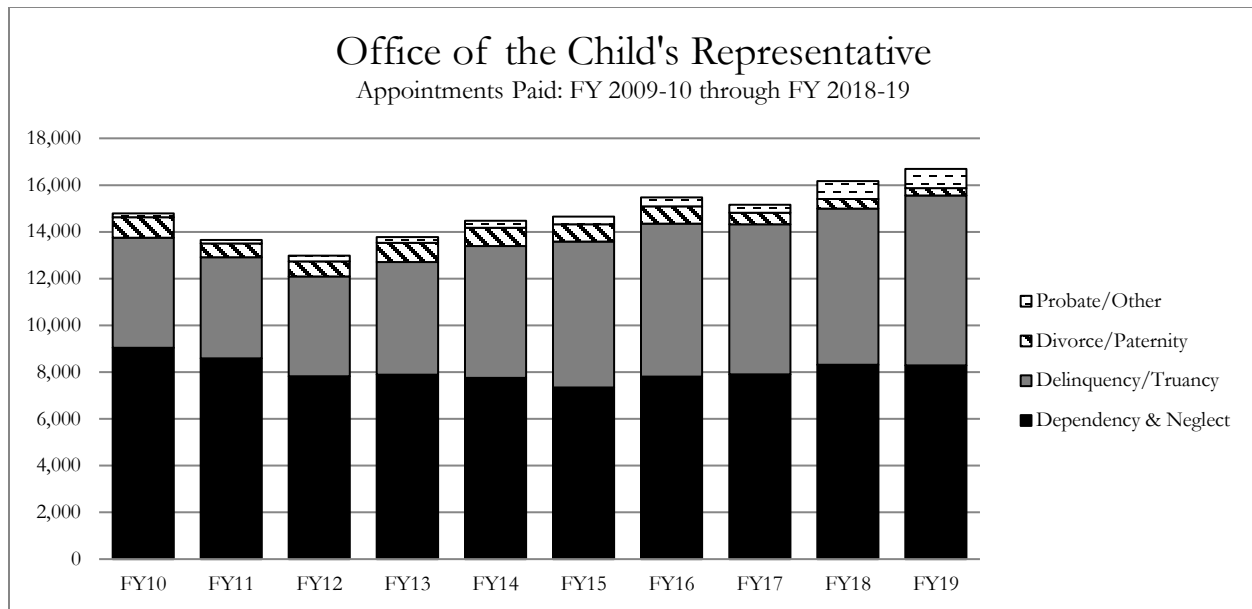


The *Office of the Child's Representative (OCR)* must provide legal representation for children involved in the court system due to dependency and neglect² proceedings that involve child abuse, abandonment, or neglect.³ In addition, courts have the discretion to appoint an attorney to represent children in cases involving juvenile delinquency, truancy, paternity, probate, mental health issues, alcohol or drug abuse, and high-conflict divorce. The attorneys are called guardians ad litem or GAL's. The office provides this representation with a mix of state-employee attorneys from its El Paso county "Office of the GAL" and private-sector contract attorneys paid at hourly rates. The OCR paid for legal representation in 16,689 court appointments in FY 2018-19 at an average cost of \$1,397 per appointment. Similar to the OSPD and OADC, the average cost per appointment varies significantly for different types of cases. For example, in FY 2018-19 the OCR spent an average of \$474 per appointment in truancy cases, \$694 per appointment in juvenile delinquency cases, \$810 per appointment in domestic relations cases, and \$2,120 per appointment in Dependency and Neglect ("D&N") cases. Because D&N cases account for about half the OCR caseload and are more than twice as expensive as any other type of OCR case, these cases typically account for 70 to 80 percent of the OCR's expenditures and are a primary driver of the OCR appropriation.

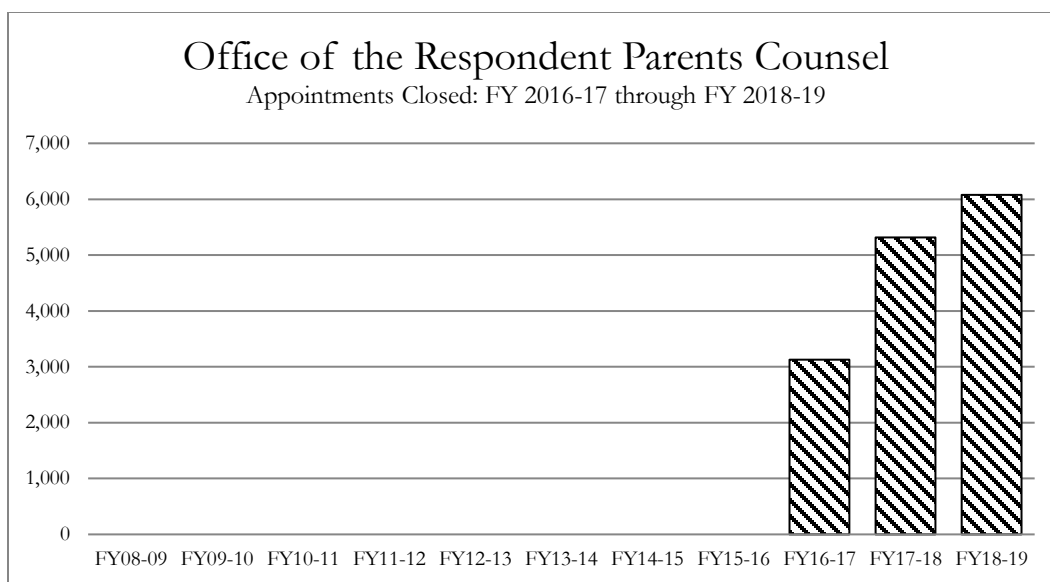
As illustrated in the following chart, the overall number of appointments has increased over the last seven years, which is primarily the result of increased appointments involving juvenile delinquency or truancy; these appointments now account for 43.5 percent of the total, compared to 31.6 percent in FY 2010-11. The OCR routinely submits requests for budget adjustments to ensure that it has sufficient funding and staffing for all assigned cases.

² Dependency and Neglect is maltreatment of a child. Section 19-3-102, C.R.S., states that a child is neglected or dependent if a parent, guardian, or legal custodian has abandoned, abused, or mistreated the child, has allowed others to abuse or mistreat the child, has kept the child in an injurious environment, has failed to provide the child with proper parental care or with necessary subsistence, education, and medical care, or has lost control of the child. Also included are cases in which a child has run away from home or a newborn tests positive for illegal drugs.

³ Section 19-3-203 (1), C.R.S.



The *Office of the Respondent Parents' Counsel* (ORPC) provides legal representation for indigent parents who are in danger of having their parental rights terminated by the courts in dependency and neglect proceedings. The ORPC began providing parents with contract attorney representation in July 2016. Previously the courts directly appointed attorneys for indigent parents in dependency and neglect proceedings, but the Judicial Department did not track the number of "RPC" appointments separately from other appoints. The following chart shows the number of closed appointments each year over the ORPC's short existence.



SUMMARY: FY 2019-20 APPROPRIATION & FY 2020-21 REQUEST

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2019-20 APPROPRIATION:						
SB 19-207	828,240,408	605,277,326	168,839,189	49,698,893	4,425,000	4,799.4
Other Legislation	12,283,393	10,857,166	1,426,227	0	0	70.4
TOTAL	\$840,523,801	\$616,134,492	\$170,265,416	\$49,698,893	\$4,425,000	4,869.8
FY 2020-21 REQUESTED APPROPRIATION:						
FY 2019-20 Appropriation	\$840,523,801	616,134,492	\$170,265,416	\$49,698,893	\$4,425,000	4,869.8
JUD R1 Judicial budget adjustments	(500,000)	(500,000)	0	0	0	0.0
JUD R2 Magistrates	2,451,736	2,451,736	0	0	0	24.0
JUD R3 Additional probation officers	1,128,947	1,128,947	0	0	0	15.9
JUD R4 Contract management office	480,896	480,896	0	0	0	6.0
JUD R5 Language translators	287,798	287,798	0	0	0	1.0
JUD R6 Adult diversion program expansion	473,705	473,705	0	0	0	0.0
JUD R7 Class C and D county judge FTE adjustment	246,197	246,197	0	0	0	1.3
JUD R8 Behavioral health FTE	86,610	86,610	0	0	0	1.0
JUD R9 Courthouse capital	2,273,235	2,273,235	0	0	0	0.0
JUD R10 IT data center equipment replacement	3,304,029	3,304,029	0	0	0	0.0
JUD R11 Technical adjustments for S.B. 19-108 and S.B. 19-223	166,935	166,935	0	0	0	2.1
JUD R12 Offender treatment & services CF spending authority adjustment	850,102	0	760,000	90,102	0	0.0
JUD R13 Increase spending authority for Family-friendly Court Program grants	44,057	0	44,057	0	0	0.0
JUD R14 Carr Center lease adjustment/controlled maintenance request	(3,704,331)	(61,137)	(3,252,690)	(390,504)	0	0.0
JUD R15 Fleet vehicles	(2,622)	(2,622)	0	0	0	0.0
JUD R16 Technical adjustments	789,224	(46,631)	500,000	335,855	0	1.0
JUD (unnumbered request) Salary survey	1,652,028	1,502,423	149,605	0	0	0.0
OSPD R1 Staffing needs	5,482,908	5,482,908	0	0	0	54.7
OSPD R2 IT	754,745	754,745	0	0	0	2.7
OSPD R3 Social workers	551,940	551,940	0	0	0	8.2
OSPD R4 Mandated costs	431,712	431,712	0	0	0	0.0
OSPD R5 Leases	357,103	357,103	0	0	0	0.0
OSPD R6 Golden courtroom staffing	115,941	115,941	0	0	0	1.6
OADC R1 Caseload increase	4,202,859	4,202,859	0	0	0	0.0
OADC R2 Coordinator of adjunct services	122,049	122,049	0	0	0	1.0
OADC R3 Staff accountant	116,373	116,373	0	0	0	1.0
OADC R4 Programs analyst	117,653	117,653	0	0	0	1.0
OADC R5 Operating adjustments	57,545	57,545	0	0	0	0.0
OADC R6 COLA-based contractor hourly rate increase	2,383,172	2,383,172	0	0	0	0.0
OADC (unnumbered request) Salary increase for OADC executive director.	7,449	7,449	0	0	0	0.0
OCR R1 Caseload/workload adjustment	728,805	728,805	0	0	0	0.0
OCR R2 New staff attorney	171,858	171,858	0	0	0	1.0

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCR R3 Common compensation plan	53,230	53,230	0	0	0	0.0
OCR R4 Make deputy director and IS manager full time	61,776	61,776	0	0	0	0.4
OCR R5 Increase training	20,000	20,000	0	0	0	0.0
OCR R6 Title IV-E funding	1,481,902	0	0	1,481,902	0	0.0
OCR R7 Court-appointed counsel rate increase	1,145,367	1,145,367	0	0	0	0.0
ORPC R1 Increase in number of and costs per appointment	2,338,493	2,338,493	0	0	0	0.0
ORPC R2 Common compensation plan - attorneys	81,043	81,043	0	0	0	0.0
ORPC R3 Common compensation plan - other staff	55,575	55,575	0	0	0	0.0
ORPC R4 Title IV-E legal representation	4,528,038	0	0	4,528,038	0	0.0
ORPC R5 Social work pilot program continuation	318,240	318,240	0	0	0	0.0
ORPC R6 Social work coordinator	130,826	130,826	0	0	0	1.0
ORPC R7 Carrie Ann Lucas fellowship	173,522	173,522	0	0	0	1.0
ORPC R8 Contractor rate increase	999,670	999,670	0	0	0	0.0
ORPC R9 Operating expenses	27,968	27,968	0	0	0	0.0
ORPC R10 Training	46,000	28,000	18,000	0	0	0.0
OCPO R1 Salary increases	35,749	35,749	0	0	0	0.0
OCPO R2 External assistance with communication	42,000	42,000	0	0	0	0.0
CDAC R1 District attorney mandated costs	109,851	79,851	30,000	0	0	0.0
Annualize prior budget actions	11,929,945	11,375,572	554,373	0	0	13.0
Annualize prior legislation	2,398,996	2,535,884	(136,888)	0	0	37.2
Community Provider Rate	366,937	83,005	82,014	201,918	0	0.0
Non-prioritized requests	73,450	73,450	0	0	0	0.0
Centrally appropriated line items	(3,136,628)	(2,840,206)	(296,422)	0	0	0.0
TOTAL	\$889,428,960	\$660,340,291	\$168,717,465	\$55,946,204	\$4,425,000	5,045.9
INCREASE/(DECREASE)	\$48,905,159	\$44,205,799	(\$1,547,951)	\$6,247,311	\$0	176.1
Percentage Change	5.8%	7.2%	(0.9%)	12.6%	0.0%	3.6%




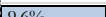




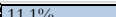
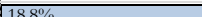

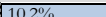






In the preceding table:

- "JUD" indicates a request from the Chief Justice for the courts or for probation programs;
- "OSPD" indicates a request from the Office of the State Public Defender;
- "OADC" indicates a request from the Office of the Alternate Defense Counsel;
- "OCR" indicates a request from the Office of the Child's Representative;
- "ORPC" indicates a request from the Office of the Respondent Parents' Counsel;
- "OCPO" indicates a request from the Office of the Child Protection Ombudsman;
- "IEC" indicates a request from the Independent Ethics Commission;
- "OPG" indicates a request from the Office of Public Guardianship; and
- "CDAC" indicates a request from the Colorado District Attorneys' Council.

Each of these entities submits an independent budget request that is not reviewed or approved by the Governor's Office of State Planning and Budgeting though the common policy elements of those requests almost always parallel OSPB decisions for executive branch agencies. The Chief Justice reviews only the "JUD"

requests. Thus the General Assembly is the only entity that will evaluate the merits of these requests relative to those of other agencies of state government.

The preceding table shows the combined 5.8 percent total funds increase for all eight independent Judicial Branch agencies and the combined 7.2 percent General Fund increase for those agencies. The following table separately shows the requested increase for each independent agency. The bar graph in the right column visually compares the requested percentage changes for General Fund and shows that they range from 18.8 percent for the Office of the Respondent Parents Counsel (ORPC) down to -37.8% percent for the Office of Public Guardianship, which is beginning its first year of operation in FY 2019-20 and has substantial startup expenses. Most of the ORPC increase is due to caseload.

	A	B	C	D	E	F	G	H	I
	Requested Change For Each Judicial Branch Agency								
		FY16-17 Approp	FY19-20 Approp	FY17 to FY20 CAGR	FY17 to FY19 CAGR for GF graphically	FY20-21 Request	Requested FY21 Change	Requested FY21 % change	Requested FY21 GF % change graphically
1	Main Judicial (Courts & Probation)	\$534,159,391	\$630,771,882	5.7%		\$650,275,692	\$19,503,810	3.1%	
2	FTE	<u>3,772.6</u>	<u>3,905.3</u>	<u>1.2%</u>		<u>3,999.8</u>	<u>94.5</u>	<u>2.4%</u>	
3	General Fund	331,163,965	407,013,963	7.1%		427,846,353	20,832,390	5.1%	
4	Cash Funds	164,334,601	169,692,030	1.1%		168,126,079	(1,565,951)	-0.9%	
5	Reappropriated Funds	34,235,825	49,640,889	13.2%		49,878,260	237,371	0.5%	
6	Federal Funds	4,425,000	4,425,000	0.0%		4,425,000	0	0.0%	
7	Office of the State Public Defender	86,573,321	107,392,415	7.4%		117,744,671	10,352,256	9.6%	
8	FTE	<u>785.9</u>	<u>889.1</u>	<u>4.2%</u>		<u>962.7</u>	<u>73.6</u>	<u>8.3%</u>	
9	General Fund	86,423,321	107,337,415	7.5%		117,689,671	10,352,256	9.6%	
10	Cash Funds	150,000	55,000	-28.4%		55,000	0	0.0%	
11	Office of the Alternate Defense Counsel	32,023,507	48,159,361	14.6%		55,086,962	6,927,601	14.4%	
12	FTE	<u>12.0</u>	<u>15.9</u>	<u>9.8%</u>		<u>19.0</u>	<u>3.1</u>	<u>19.5%</u>	
13	General Fund	31,983,507	48,079,361	14.6%		55,006,962	6,927,601	14.4%	
14	Cash Funds	40,000	80,000	26.0%		80,000	0	0.0%	
15	Office of the Child's Representative	25,715,797	31,299,854	6.8%		35,011,236	3,711,382	11.9%	
16	FTE	<u>29.1</u>	<u>33.0</u>	<u>4.3%</u>		<u>34.4</u>	<u>1.4</u>	<u>4.2%</u>	
17	General Fund	25,706,407	31,272,945	6.8%		33,502,425	2,229,480	7.1%	
18	Reappropriated Funds	9,390	26,909	42.0%		1,508,811	1,481,902	5507.1%	
19	Office of the Respondent Parents' Counsel	15,243,327	20,869,276	11.0%		29,335,158	8,465,882	40.6%	
20	FTE	<u>10.0</u>	<u>13.0</u>	<u>9.1%</u>		<u>15.0</u>	<u>2.0</u>	<u>15.4%</u>	
21	General Fund	15,189,572	20,808,181	11.1%		24,728,025	3,919,844	18.8%	
22	Cash Funds	30,000	30,000	0.0%		48,000	18,000	60.0%	
23	Reappropriated Funds	23,755	31,095	9.4%		4,559,133	4,528,038	14561.9%	
24	Office of the Child Protection Ombudsman	591,646	990,918	18.8%		1,092,070	101,152	10.2%	
25	FTE	<u>4.5</u>	<u>8.0</u>	<u>21.1%</u>		<u>8.0</u>	<u>0.0</u>	<u>0.0%</u>	
26	General Fund	591,646	990,918	18.8%		1,092,070	101,152	10.2%	
27	Independent Ethics Commission	188,007	204,709	2.9%		209,361	4,652	2.3%	
28	FTE	<u>1.0</u>	<u>1.0</u>	<u>0.0%</u>		<u>1.0</u>	<u>0.0</u>	<u>0.0%</u>	
29	General Fund	188,007	204,709	2.9%		209,361	4,652	2.3%	
30	Office of Public Guardianship	0	835,386	n/a		673,810	(161,576)	-19.3%	
31	FTE	<u>0.0</u>	<u>4.5</u>	<u>n/a</u>	n/a	<u>6.0</u>	<u>1.5</u>	<u>33.3%</u>	
32	General Fund	0	427,000	n/a	n/a	265,424	(161,576)	-37.8%	not charted
33	Cash Funds	0	408,386	n/a	n/a	408,386	0	0.0%	
34	TOTAL for all Judicial Branch agencies	\$694,494,996	\$840,523,801	6.6%		\$889,428,960	\$48,905,159	5.8%	
35	FTE	<u>4,615.1</u>	<u>4,869.8</u>	<u>1.8%</u>		<u>5,045.9</u>	<u>174.6</u>	<u>3.6%</u>	
36	General Fund	491,246,425	616,134,492	7.8%		660,340,291	44,205,799	7.2%	
37	Cash Funds	164,554,601	170,265,416	1.1%		168,717,465	(1,547,951)	-0.9%	
38	Reappropriated Funds	34,268,970	49,698,893	13.2%		55,946,204	6,247,311	12.6%	
39	Federal Funds	4,425,000	4,425,000	0.0%		4,425,000	0	0.0%	
40	GF Operating appropriations for all state agencies								
41	General Fund (\$ million)	\$9,956m	\$12,198m	7.0%		\$12,626m	\$428m	3.5%	

42 Notes:

43 CAGR = Compound Annual Growth Rate

44 If Judicial Branch GF appropriations had grown at the same rate as GF grew for all state agencies since FY16-17, Judicial GF would be \$14.3m [2.3%] lower in FY 19-20.

45 Starting in FY20, legal services for the ORPC, OCPO, and IE were appropriated with Main Judicial's legal services. For comparability, this adjustment has been made to the FY 16-17 data in this table.

Requests from the Main Judicial Department (Courts and Probation)

JUD R1 JUDICIAL BUDGET ADJUSTMENTS: The Judicial Department requests that its General Fund appropriations be reduced by \$500,000 for FY 2020-21 and subsequent years, a reduction achieved by (1) reducing expenditures for its executive management training program by \$480,000 total funds, comprised of reductions of \$23,944 General Fund and \$456,056 cash fund from the Judicial Stabilization Cash Fund. It will then use the freed cash funds to replace \$456,056 of General Fund that is currently appropriated to the Trial Courts program. The combined General Fund reduction is \$480,000. In addition it will reduce its General Fund appropriation for Administration and Technology by \$20,000.

JUD R2 MAGISTRATES: The Judicial Department requests \$2,451,736 General Fund for 8.0 FTE new magistrates and 16.0 FTE support staff. The request adds judicial officers in the eight counties with the most critical need for county court judicial officers as shown in the following table. All of these counties are less than 85 percent fully staffed, based on the Department's court staffing model: In the second year, the cost is \$2,119,675 General Fund. This request is the subject of the third Issue.

JUD R3 ADDITIONAL PROBATION OFFICERS. The Judicial Department requests \$1,128,947 General Fund for 15.9 FTE for Probation Programs for additional probation officers, supervisors, and staff to achieve a statewide staffing level of 89.0 percent.

JUD R4 CONTRACT MANAGEMENT OFFICE: The Judicial Department requests \$480,896 General Fund to add 6.0 FTE who will assist in the procurement and management of judicial-department contracts statewide. The Department plans to assign 4.0 of these FTE to a newly created central contract management unit, while 1.0 FTE would serve as an additional purchasing agent and 1.0 FTE would serve as the Systems Administrator for a new procurement contract management and payment system that a software vendor is currently developing and customizing for the Department. The Department's current contracting and procurement process is decentralized, with most duties assigned to employees in the 22 judicial districts, who must balance their normal programmatic duties with their contract and procurement duties, which include coordinating background checks, verifying insurance requirements, renewing contracts, and maintaining contract records.

JUD R5 Language translators: The Judicial Department requests 1.0 FTE and \$287,798 General Fund for a court translator FTE for the Translation Department at the Department's main Denver office, which currently has 2.0 FTE translators. Of the total cost, \$71,964 is for the new employee and \$210,000 is for additional work by contract translators. Translators translate from English into other languages such things as Judicial Department forms, advisements, waivers, case management orders, handbooks, brochures, flyers, etc.

JUD R6 Adult diversion program expansion: The State Diversion Advisory Committee, acting through the Judicial Department, requests \$473,705 General Fund to increase funding for existing diversion programs across the state and to provide funding to expand a diversion program to an additional district. The program currently receives a \$400,000 General Fund appropriation. Since the passage of H.B. 13-1156, which created and funded the adult diversion grant program, the funding for diversion grants has remained constant at \$400,000 while the number of applications for funding has grown. This request would increase funding for existing programs and allow the expansion of the program to another district.

JUD R7 Class C and D county judge FTE adjustment: The Judicial Department requests \$246,197 General Fund and 1.3 FTE for the Trial Court Programs to fund increased payments to Class C and D county judges that have resulted from (1) caseload/workload growth and (2) a revision to the methodology used to compute the fractional appointments of county judges in small counties.

Background: All Colorado counties must have a county judge and Colorado's 48 class C and D counties, which are the smallest counties in the state as measured by population, have county judges who in a few cases work full time but mostly work part time. Some of the part-time judges work as little as one day per week. Section 13-30-103 (1)(I) (II), C.R.S., requires the Judicial Department to determine the fraction of a judicial FTE to allocate to each of these counties based on average county court case filings over the prior three years and the amount of time it should take a judge to process those filings. The result might be a need for 0.44 judicial FTE in a given county, for example. When this FTE fraction rises or falls, the Judicial Department must adjust the judge's pay to that percentage of a county-court judge's full salary. Statute thus mandates salary changes that move in step with the calculated judicial appointment fraction. Section 13-30-103 (1)(I)(II), C.R.S., also specifies that the fractional FTE must be set in 5 percent increments; it does not specify whether to round up or down to the nearest 5 percent. Prior to FY 2019-20, the Department rounded down, but starting in FY 2019-20, acting on the recommendation of a Supreme-court-appointed committee, it is rounding up. The committee believed it was matter of fairness since these part-time judicial officers were doing more work than they were being paid for, for example, a workload equivalent to 24% salary but only being paid for 20%. This request is the result of two changes: (1) caseload/workload growth which has added 0.75 FTE and (2) the switch to the new "round up" methodology, which added 0.55 FTE.

JUD R8 BEHAVIORAL HEALTH FTE: The Judicial Department requests \$86,610 General Fund and 1.0 FTE for a Court Programs Analyst II position to support the coordination of the Bridges Program throughout the state. This request is the subject of the second Issue.

JUD R9 COURTHOUSE CAPITAL: The Judicial Department requests \$2,273,235 General Fund to address required infrastructure and furnishing needs in county courthouses. Colorado counties provide and maintain courtrooms and other court facilities, while the State provides the furnishings, infrastructure, and court staffing. This request will pay for infrastructure and courthouse furnishings in expanded, remodeled, or new facilities, and for replacement or refurbishment of existing furniture that is no longer useable or will soon become unusable if not repaired. A courthouse capital appropriation appears in the Long Bill every year but the Department does not treat it as a base appropriation off which adjustments are to be made. For FY 2019-20, the General Fund portion of this appropriation equaled \$2,618,698, so this request is in fact a reduction compared with last year's request. As the following table shows, over half this request is the State's portion of the cost of furnishing the new courthouse in Huerfano County that will open in FY20-21. Note that county decisions to open and remodel courts, which are dependent upon county resources, drive this appropriation.

JUD R9 COURTHOUSE CAPITAL								
DISTRICT	LOCATION	PROJECT	ARCHITECT	AUDIO VISUAL	FURNISHING	TECHNOLOGY	NETWORK	TOTAL
2	Denver	Mobile shelving	\$0	0	\$26,500	\$0	\$0	\$26,500

JUD R9 COURTHOUSE CAPITAL								
DISTRICT	LOCATION	PROJECT	ARCHITECT	AUDIO VISUAL	FURNISHING	TECHNOLOGY	NETWORK	TOTAL
3	Huerfano	New courthouse	235,246	385,531	1,018	303,894	298,666	1,224,355
18	Centennial	New courtroom and other remodel	0	45,000	478,050	15,095	9,570	547,715
19	Weld	Expand conference room	200	4,000	60,700	650	15,670	81,220
19	Weld	Two additional courtrooms	0	1,000	227,100	24,800	23,140	276,040
20	Boulder	Jail courtroom reconfiguration	0	16,000	85,800	0	15,605	117,405
Total			\$235,446	\$451,531	\$879,168	\$344,439	\$362,651	\$2,273,235

JUD R10 IT DATA CENTER EQUIPMENT REPLACEMENT: The Judicial Department requests \$3,304,029 General Fund in FY 2020-21 and \$1,995,079 General Fund in FY 2021-22 for the replacement of critical enterprise IT equipment that is housed in its primary production data center and its disaster recovery center. In FY 2020-21, the Department would replace its IBM iSeries servers and its NetApp storage array servers, while in FY 2021-22 it would replace its virtualized computer servers.

The Department indicates that its midrange iSeries servers are the foundation of its IT infrastructure. They are the primary database servers that store information for all Department case management and e-filing systems, as well as the Colorado Integrated Criminal Justice Information System (CICJIS), public access system, and numerous interagency data exchange systems. The servers were purchased in 2016 with a five year maintenance agreement and must be replaced in FY 2020-21 . The Department notes that the industry standard for replacement equipment is every three to five years.

The Department also indicates that the FY 2020-21 replacement of midrange iSeries servers necessitates the upgrade of two NetApp primary storage array servers, which are also a critical component of the Department's infrastructure and are used to store documents for the Department's case management and e-filing systems and are used to replicate data between the Department's two data centers, minimizing downtime in the event of a data center outage. These storage array servers are also five years old.

The Department also states that in FY 2021-22 it must upgrade its virtualized computer servers which run the Department's IT infrastructure services and applications such as a statewide phone system, statewide authentication and access control, case management and e-filing systems, public and government access system, interagency data exchange systems, and back office systems.

According to the Judicial Department, if its servers are used into their sixth year, which is well above the industry standard, it will increase the Department's risk of hardware failures and service disruption.

JUD R11 TECHNICAL ADJUSTMENTS FOR S.B. 19-108 AND S.B. 19-223: The Judicial Department requests \$166,935 General Fund and 2.1 FTE to correct appropriation errors in S.B.19-108 and S.B.19-223. These are both requests that the Department could have submitted in January 2020 as budget amendments for FY 2020-21 and coupled them with supplemental requests for FY 2019-20.

Instead, the FY 2020-21 portion of these requests is being submitted now with the FY 2019-20 supplementals coming in January.

SENATE BILL 19-108 (JUVENILE JUSTICE REFORM) ADJUSTMENT: This bill contains a \$68,598 General Fund, 0.8 FTE appropriated for FY 2019-20 to the *Probation Programs* line item within the Judicial Department. The amount was correct, but the appropriation should have been to the *Trial Court Program* line item. A correction to that FY 2019-20 appropriation will, staff presumes, be requested in January. With this request, the Judicial Department is requesting that the FY 2020-21 annualization of S.B. 19-108 be moved from the Judicial Department's *Probation Programs* line item to the *Trial Court Program* line item.

SENATE BILL 19-223 (ACTIONS RELATED TO COMPETENCY TO PROCEED) ADJUSTMENT: This bill contains an appropriation clause that is inconsistent with the final Legislative Council staff fiscal note. The difference is due to procedural considerations rather than legislative disagreement with the costs identified in the fiscal note. The bill was introduced in the House on April 25, 2019 and passed unamended through the House Judiciary Committee on April 26th. On April 27 the House Appropriations Committee voted unanimously to adopt an amendment that revised the appropriations clause so that it would be consistent with the revised Fiscal Note available on that date. Given the limited time left in the legislative session and the number of bills remaining on the Senate calendar, a return trip to the Senate to resolve differences between the houses could have jeopardize passage. So when the bill came up for second reading in the House on April 29, bill sponsor Rep. Weissman moved that the House reject the Appropriations Committee Report to avoid a trip back to the Senate. The bill then passed House second and third reading unamended and was later signed into law.

Had the House Appropriations Committee amendment to S.B. 19-223 survived, the bill would have contained a FY 2019-20 appropriation to the Judicial Department that was \$173,645 General Fund and 2.1 FTE higher. With this request, the Judicial Department asks for an appropriation of the FY 2020-21 General Fund and FTE annualization of the FY 2019-20 appropriation that should have been in that bill.

JUD R12 OFFENDER TREATMENT & SERVICES CF SPENDING AUTHORITY ADJUSTMENT: The Judicial Department requests an appropriation \$850,102 total funds comprised of \$460,000 cash funds from the Alcohol and Drug Driving Safety Program Fund, \$300,000 cash funds from the Offender Treatment and Services Cash Fund and \$90,102 reappropriated funds for the Offender Treatment and Services appropriation. The \$460,000 cash funds increase will be transferred to Denver County where it will be used to treat probationers, but the transfer will be offset by a reduction of transfers to Denver from the Offender Treatment and Services Cash fund, which frees those Offender Treatment and Services dollars for use by Judicial's probation department. In addition \$300,000 of Correctional Treatment Cash Fund dollars will be used to develop a cloud-based procure to pay solution to automate and streamline the issuance, delivery and invoicing of probation services agreement and non-agreement orders through a single system The Correctional Treatment Board's FY21 spending plan also includes an additional \$90,102 to fund probation programs that are part of the local treatment board funding projects.

JUD R13 INCREASE SPENDING AUTHORITY FOR FAMILY-FRIENDLY COURT PROGRAM GRANTS: The Judicial Department requests a \$44,057 increase in cash fund appropriations for Family-friendly Court program grants from the Family-friendly Court Program Cash Fund. This increase will help

the Department meet the need for court-related child care and for supervised visitation and exchange programs.

Background: The Family Friendly Court Program is funded with a \$1.00 surcharge on traffic violations. It makes grants to judicial districts to help them provide two types of services for people with children: (1) Provide quality child care in or near a courthouse or through vouchers for private childcare services for families attending court proceedings. (2) Provides a location when a parent can spend supervised parenting time with a child and where a child can be transferred from one parent to another. The programs also helps families connect with relevant community services, such as youth mentoring, crime and dropout prevention, employment counseling and training, financial management, legal counseling, and substance abuse programs.

JUD R14 CARR CENTER LEASE ADJUSTMENT/CONTROLLED MAINTENANCE REQUEST: This is a multipart request:

- The Judicial Department requests that (1) its annual cash fund deposit into the Justice Center Maintenance Fund (the "Maintenance Fund") be reduced by \$3,100,000 million (from \$4.6 million to \$1.5 million) and (2) controlled maintenance expenditures from the Maintenance Fund be reduced by \$500,000 from \$1,788,538 to \$1,288,538. The expenditure portion of the request exceeds projected controlled maintenance expenditures by \$437,175. The Department requests this additional spending authority as a precaution in case of an unexpected expenditure, such as the premature failure of an item that is on the controlled maintenance schedule but is not scheduled for replacement for several more years. In all likelihood this additional spending authority will expire unused, but its availability could avoid an interim supplemental for an emergency expenditure or a late-in-the session supplemental.

Background: Senate Bill 18-267 established the Justice Center Maintenance Fund to pay for future controlled maintenance and other maintenance needs of the Carr Justice Center. Appropriations to the Maintenance Fund come from the Justice Center Cash Fund, with appropriations set at a constant level that will pay for fluctuating future maintenance needs that are foreseen in an annual report submitted by the Judicial Department. The FY 2019-20 Long Bill made a large initial deposit (\$4.6 million) into the Maintenance Fund that is to be followed in subsequent years by lower payments. The FY 2019-20 Long Bill also includes a \$1.8 million appropriation from the Maintenance Fund to pay for FY 2019-20 controlled maintenance.

- The Judicial Department requests that its debt service payment on the Carr center be reduced by \$152,690 total funds, comprised of \$109,497 less General Fund, \$152,690 less cash funds, and \$109,497 more reappropriated funds.

Background: The Judicial Department makes regular debt service payments on the Certificates of Participation that financed the building of the Carr Center; these payments will equal \$21.7 million in FY 2020-21 and will last until FY 2045-46. Part of this payment comes from a declining federal subsidy available through the American Recovery and Reinvestment Act (ARRA), which appears as cash funds in the Long Bill, part is cash funds from other sources, a declining portion is General Fund, and part is reappropriated funds that originate as lease payments by the Department of Law and other state agencies that lease space in the Carr Center.

JUD R15 FLEET VEHICLES: The Judicial Department requests a net decrease of \$2,622 General Fund for vehicle expenses. It requests permission to acquire two leased vehicles through the State Fleet Management program, which will increase the Department's fleet from approximately 39 to 41 vehicles. The new vehicles will be used by employees who currently use personal vehicles for Department business and are compensated for that use at the rate of 51¢ per mile. The increased lease costs will be more than offset by reduced payments to employees; the additional vehicles will allow the Department to reduce its vehicle-related expenditures by an estimated \$2,622 General Fund.

JUD R16 TECHNICAL ADJUSTMENTS: The Judicial Department requests six adjustments that are designed to increase Long Bill transparency. On net, the changes reduce General Fund (GF) appropriations by \$46,631 but there is no real GF decrease because the relevant part of R16 asks that \$46,631 of GF appropriated to the Judicial Department and then transferred as reappropriated funds to the Department of Corrections (DOC) be replaced with a direct GF appropriation to the DOC. The \$500,000 cash funds increase shown for R16 adjusts the Long Bill's informational appropriation to the Office of Attorney Regulations Counsel. Other requested adjustments for R16 move appropriations from one Judicial line item to another in order to more accurately show where appropriations or FTE are used. The additional 1.0 FTE shown for R16 corrects an inaccurate FTE count in the Long Bill. The increase of reappropriated funds shown for F16 reflects increases that are in the Correctional Treatment Board's FY 2020-21 spending plan. This last change may be somewhat more that technical and will be discussed more thoroughly during figure setting.

JUD (UNNUMBERED REQUEST) SALARY SURVEY: The Judicial Department requests \$1,652,028 total funds (\$1,502,423 General Fund) to increase the pay of 1,100 employees in 21 of its job classes by an average 3.8%. The request reflects recommendations in the Department's annual salary survey, which is produced by Segal Waters, a third-party compensation consulting company that also produced the Department's FY 2019-20 Annual Compensation Report. The Segal Waters report found that among the Department's job classes, 21 have salary ranges that are more than three percent below comparable salaries elsewhere. The consultant recommended increases of 2 percent to 10 percent for these job classes. Based on this recommendation, the Judicial Department proposes to increase the salaries of all employees in each of these affected classes by the recommended percentage for the class and also move the salary range for the class upward by the recommended percentage. These salary increases are in addition to the common policy 2 percent merit increases that the Judicial Department requests for all its employees. The merit increase is in place of the 2 percent salary survey increase being requested for Executive Branch agencies.

Requests from Office of the State Public Defender (OSPD)

OSPD R1 OSPD STAFFING NEEDS: The OSPD requests 54.7 FTE and \$5,482,909, General Fund for FY 2020-21, annualized to 59.6 FTE and \$5,467,628 for FY 2021-22 and subsequent years, to address staffing and funding requirements necessary to comply with constitutional, statutory and obligations for indigent defense. When fully staffed, the request includes 36.0 Deputy State Public Defenders, 12.0 Investigators, 9.0 Administrative Assistants and 2.6 Central Office.

OSPD R2 IT: The OSPD requests 2.7 FTE and \$754,745 General Fund for FY 2020-21, annualizing to 3.0 FTE and \$674,975 for FY 2021-22 and subsequent years, to address staffing and funding requirements necessary to support information technology (IT) needs for the Office:

- Impact of electronic discovery on OSPD infrastructure, \$426,470 annually;
- Integration with the Colorado District Attorney's Council (CDAC) eDiscovery system, \$81,390 onetime in FY 2020-21;
- IT Support, 2.7 FTE and \$204,633 in FY 2020-21 annualizing to 3.0 FTE and \$206,253 in FY 2021-22 and subsequent years;
- Security, \$42,252 in FY 2020-21 and on-going.

OSPD R3 SOCIAL WORKERS: The OSPD requests 8.2 FTE and \$551,940 General Fund for FY 2020-21, annualizing to 9.0 FTE and \$543,530 for FY 2021-22 and on-going. The request would fund 1.0 Supervising Social Worker and 8.0 Licensed Social Workers.

OSPD R4 MANDATED COSTS: The OSPD requests an additional \$431,712 General Fund for its Mandated Costs line item for FY 2020-21 and \$519,402 for FY 2021-22 and subsequent years.

Background: Mandated costs are costs associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation.

OSPD R5 LEASES: The OSPD requests \$431,712 General Fund for FY 2020-21, annualizing to \$519,402 for FY 2021-22 and subsequent years, for lease expense that are increasing due to Colorado's tighter office market.

OSPD R6 GOLDEN COURTROOM STAFFING: The OSPD requests 1.6 FTE and \$115,941 General Fund for FY 2020-21, annualizing to 1.6 FTE and \$103,541 for FY 2021-22 and subsequent years, to address staffing and funding needs for an additional criminal court in the 1st Judicial District. The request includes 1.0 trial attorney FTE, 0.3 investigator FTE and 0.3 administrative staff FTE. When S.B. 19-043 (the Judges bill) was enacted, it included additional funding for the OSPD to staff the criminal courts that were created. Based on information provided by main Judicial, the OSPD believed that the new judgeship in the 1st Judicial District would handle probate cases only, which would not require OSPD staff. The fiscal note for S.B. 19-043 stated that any changes the projected number of criminal courts could alter the OSPD's staffing needs. Shortly after S.B. 19-043 went into effect, the OSPD was notified by the Chief Judge in the 1st Judicial District that their new judge would handle a mixed docket that includes criminal cases. This request is to staff the criminal cases in that court.

Requests from Office of the Alternate Defense Counsel (OADC)

OADC R1 CASELOAD INCREASE: The OADC requests \$4,202,859 General Fund for the Agency's projected caseload increase for FY 2020-21, comprised of \$3,933,370 for its *Conflict-of-interest Contracts* line item and \$269,489 for its *Mandated Costs* line item. The agency projects that its caseload will rise by 10.5% from 27,072 cases in FY 2019-20 to 29,923 in FY 2020-21.

OADC R2 COORDINATOR OF ADJUNCT SERVICES: The OADC requests \$122,049 General Fund and 1.0 FTE to hire a Coordinator of Adjunct Services who will coordinate the work of the contract investigators, paralegals, legal researchers, social workers, and case assistants who work in conjunction with OADC contract attorneys to defend clients. These providers of adjunct services account for 30 percent of the hours billed by OADC contractors; contract attorneys account for the

remaining 70 percent. This arrangement saves money by substituting lower priced adjunct time for work that would otherwise be done by higher priced attorneys. Identifying and recruiting providers of these support services takes time and effort, especially in rural areas, time that existing staff cannot spare without diminishing the other important work that they do, according to the OADC. In addition to building and maintaining a list of available contractors, the Adjunct Coordinator would make sure contract attorneys received the most qualified support person at the lowest hourly rate for any given task. Additional Coordinator duties would include maintaining the OADC's eLibrary, which attorneys draw upon as they prepare cases. The Coordinator would add new material, cull outdated items, and ensure the continuing usefulness of this support resource.

OADC R3 STAFF ACCOUNTANT: The OADC requests \$116,373 and 1.0 FTE to add a Staff Accountant, a position will assist with what the OADC describes as overburdened areas within the Financial Division. The position will assist the Billing Administrator with contractor invoice review, entry corrections, billing correspondence, state warrant reconciliations, and regular billing audits to ensure compliance with OADC payment directives; and assist the Chief Financial Officer with monthly year-end journal entries, CORE budget entries, payroll reconciliations, and OSA audit requests. The position will also help with operational functions within the Division including procurement card tracking, staff and contractor travel coordination, review, process, audit internal reimbursements, cash receipt processing, and office motor pool administration. Two current employees have been handling these function since 1996 and 2004 and the number of transactions they must process has grown by over 400 percent since 2004 due to caseload growth. The OASD worries that it will burn out its two longest tenured staff members unless they receive assistance.

OADC R4 PROGRAMS ANALYST: The OADC requests 1.0 FTE and \$117,653 General Fund to add a Programs Analyst and \$5,000 General Fund for an online analytics software program to be used by the programs analyst. The OADC says that it needs this individual to increase its ability to perform essential analysis of the available data for oversight, evaluations, and forecasting functions.

OADC R5 OPERATING ADJUSTMENTS: The OADC requests \$57,545 General Fund for operating expenses for FY 2020-21, comprised of

Two operating expense increases that will continue in future years:

- \$1,045 for land-line phones in the OADC's offices,
- \$6,500 for 50 Westlaw licenses, which are used by attorney contractors for legal research.

Two one-time, non-base building operating expense increases:

- \$40,000 to build out two additional offices within the Agency's current office space to house the additional FTE who will be added if requests R3 and R4 are approved.
- \$10,000 to integrate an online tool that helps contract attorneys identify, review, and rate experts for OADC cases into the Office's web-based billing system (CAAPS), which contractors also utilize.

OADC R6 COLA-BASED CONTRACTOR HOURLY RATE INCREASE: The OADC requests \$2,383,172 General Fund for a 5 percent rate increase for its contractors. This request is the subject of the first Issue.

OADC (unnumbered request) Salary Increase for the OADC executive director: (This request comes directly from the Office of the Alternative Defense Counsel Commission, which oversees the OADC). The Commission requests an additional General Fund appropriation of \$9,091 for a salary increase for the Executive Director of the OADC. [This sum equals a salary increase of $\$7,449 \times (1 + 10\% + 10.4\% + 1.45\% + 0.19\%)$ for PERA, Medicare, and Short Term Disability] A Long Bill footnote currently sets the OADC Director's salary equal to the salary of a district court judge (\$173,248 annually for FY 2019-20). The same judicial-salary footnote also sets the salaries of the directors of the Office of the Child's Representative and the Office of the Respondent Parents' Counsel equal to that of a district court judge. However, the salary of the State Public Defender is set by the same footnote equal to that of an associate judge of the Court of Appeals (\$180,697 annually for FY 2019-20, \$184,311 annually for FY 2019-20 if judges receive the 2 percent raise that Main Judicial is requesting). The increase will have to be adjusted to take account of the salary survey increase that the JBC may approve for FY 2020-21.

Members of the Commission have met with JBC staff and, while comparing a list of the duties and responsibilities of the State Public Defender with the duties and responsibilities of the Executive Director of the OADC, have asserted that the work of the OADC Director is sufficiently broad and complex to make it the equivalent of the work of the State Public Defender. As a consequence, the Commission says, the two should be paid equally. The Commission acknowledges that the Office of the State Public Defender has 889 FTE compared to 16 in the Office of the Alternate Defense Counsel, but says that the selection, evaluation, renewal, and termination process for the 700 OADC contractors is as complex a management task as that faced by the State Public Defender. In addition, with the passage of S.B. 18-203, the OADC's responsibilities also include evaluation of attorney contractors who do public defense work for municipalities around the state if those municipalities decide to contract with the OADC for evaluation services. Furthermore, the work that OADC contractors do is the same as that done by attorneys in the Office of the State Public Defender, representing adults and juveniles who are charged with all types of crimes, ranging from death penalty cases to jailable traffic offenses.

Requests from Office of the Child's Representative (OCR)

OCR R1 CASELOAD/WORKLOAD ADJUSTMENT: The OCR requests an increase of \$728,805 General Fund for its Court Appointed Counsel (CAC) appropriation to pay for a projected increase in its caseload and workload.

OCR R2 NEW STAFF ATTORNEY: The OCR requests \$171,858 General Fund and 1.0 FTE for an additional Staff Attorney who will sustain and expand OCR's programming, litigation support, and oversight for contract attorneys. In response to the OCR's 2018 performance audit, the JBC added 2.0 non-attorney FTE to the OCR's staff last year. With this request the OCR seeks to add an additional attorney to its staff, which will increase its attorney count from 4 to 5 (a count that includes the Executive and Deputy Directors). This new attorney would take over some of the tasks currently performed by the Executive and Deputy Director, allowing them to focus more time on planning, coordinating, enhancing, and streamlining OCR's programs. The new staff attorney would also spearhead such projects as the expansion of OCR's litigation support opportunities and the development of supports for case types other than Dependency and Neglect. The new staff attorney would also take on some of the OCR's external committee commitments, allowing more in-depth participation in those committees.

OCR R3 COMMON COMPENSATION PLAN: The OCR requests an additional \$53,230 General Fund to increase the salaries and benefits of three of its employees who, it believes, are paid less than similar employees elsewhere within the Judicial Branch. The salaries of these employees are based on the common compensation plan that was approved by the JBC last year. In two cases, the OCR proposes to change the employee's job classification and increase the salary. In the third case it proposes to move the employee further up the salary range for the class. (*Background:* The common compensation plan was jointly submitted in November 2018 by the OADC, the OCR and the ORPC in response to a 2017 JBC request. As approved by the JBC, the plan establishes salary ranges for the three agencies that are based on salary ranges for comparable jobs in the main Judicial Department, the Executive Branch, and the Office of the State Public Defender.)

OCR R4 MAKE DEPUTY DIRECTOR AND IS MANAGER FULL TIME. The OCR requests \$61,776 General Fund and 0.4 FTE so that the FTE allocation and pay for its Deputy Director and its IS Manager can both be increased from 0.8 FTE to 1.0 FTE, thus converting both from part time to full time.

OCR R5 Increase training: The OCR requests \$20,000 General Fund for training of its contractors. The increase will provide sufficient funding for its training program and make up for a recent loss of federal training dollars (\$20,000 federal funds that primarily supported OCR's annual statewide conference for Guardians ad Litem). Federal and state law require Guardians ad Litem appointed in Dependency and Neglect proceeding to receive training appropriate to the role. The OCR considers adequate training to be a key factor in ensuring high quality representation.

OCR R6 TITLE IV-E FUNDING: The OCR requests authorization to spend up to \$1,481,902 of Reappropriated Title IV-E funds received from the Colorado Department of Human Services (DHS) pursuant to S.B. 19-258. Federal guidance has made clear that these funds must be used to expand and enhance existing attorney services. The OCR states that it "plans to use these dollars to expand and enhance its litigation and social service professional support programs. Through these additional funds, children will benefit from holistic representation by attorneys whose advocacy is informed by the expertise of social service professionals and enhanced by direct assistance from legal experts in topics such as sibling connections and placement, education law, housing, and public benefits." The OCR asks that the new appropriations be included as part of its existing *Operating Expenses* and *Court-appointed Counsel* line items.

Background:

- Title IV-E is the source of federal funding for foster care;
- The Department of Human Services (DHS) is the state's Title IV-E agency;
- S.B. 19-258 is a JBC bill that requires the DHS to claim Title IV-E administrative costs for independent legal representation of children and parents when the child is a candidate for Title IV-E foster care or is in foster care;
- A recent policy change by the U.S. Department of Health and Human Services enables the state to claim legal representation costs;
- Federal reimbursement is deposited in the *Title IV-E Administrative Cost Cash Fund* at DHS and reappropriated to the OCR and the ORPC.

OCR R7 COURT-APPOINTED COUNSEL RATE INCREASE: In conjunction with the OADC and the ORPC, the OCR requests \$1,145,367 to increase the hourly rate paid to its contract attorneys, social

service professionals (SSPs), and paralegals by approximately 5 percent. This request is the subject of the first Issue.

Requests from the Office of the Respondent Parents' Counsel (ORPC)

ORPC R1 INCREASE IN NUMBER OF AND COSTS PER APPOINTMENT: The ORPC requests \$2,338,493 General Fund for increases in Court-Appointed Counsel (\$1,902,892) and Mandated Costs (\$435,601) appropriations to pay for projected increases in the number of appointments and costs per appointment.

ORPC R2 COMMON COMPENSATION PLAN—ATTORNEYS: The ORPC requests \$81,043 to increase the salary and benefits of four attorneys on its staff who, it believes, are paid less than similar attorney employees elsewhere within the Judicial Branch. These employees are within the class salary range for staff attorneys in the common compensation plan, but the Office believes they should move up within the range. The ORPC plans to submit a supplemental in January requesting that these increases be funded this year. (*Background:* The common compensation plan establishes salary ranges at the OADC, the OCR and the ORPC that are based on salary ranges for comparable jobs in the main Judicial Department, the Executive Branch, and the Office of the State Public Defender.)

ORPC R3 COMMON COMPENSATION PLAN—OTHER STAFF: The ORPC requests \$55,575 to increase the salary and benefits of four non-attorney staff members who, it believes, are paid less than similar employees elsewhere within the Judicial Branch. In three cases, the Office proposes to change the job classification of the employee and increase the salary. In the fourth case, the Office proposes to move the employee further up within the salary range the employee's job classification.

In addition the ORPC has submitted a letter from the Chairperson for the Office of the Respondent Parents' Counsel, which is appointed by the Chief Justice and has oversight of the ORPC. The letter urges the JBC to "approve establishing a salary range between a District Court Judge and a Court of Appeals Judge for the ORPC Executive Director, Melissa Thompson." The Letter is reproduced in Appendix I.

ORPC R4 TITLE IV-E LEGAL REPRESENTATION: The ORPC requests authorization to spend up to \$4,528,038 of Reappropriated Title IV-E funds received from the Colorado Department of Human Services (DHS) pursuant to S.B. 19-258, which is approximately 3 times the appropriation sought by the OCR. As noted earlier, federal guidance has made clear that these funds must be used to expand and enhance existing attorney services. The ORPC states that it will use this appropriation to "deliver evidence-based legal interventions to parents and to move the child welfare system so that removal of a child from his or her home is reserved for the most extreme circumstances. A hallmark of such a child welfare system is through allowing parents to have early access to high quality legal representation—with the optimal goal that parents have legal representation from the first moment a family faces child welfare intervention."

The ORPC asks that the new appropriations be presented as an informational appropriation on a new Long Bill line item titled "IV-E Legal Representation." The Office indicates that it will submit a FY 2019-20 supplemental request for this item.

ORPC R5 SOCIAL WORK PILOT PROGRAM CONTINUATION: The ORPC requests \$318,240 to fund the ongoing work of social workers who completed a multiyear Social Worker Pilot Program in three judicial districts. The ORPC asserts that national research has shown that an interdisciplinary model of parent representation in child welfare cases reduces the time that children spend in out of home care and speeds transitions to permanency. An initial assessment of the Social Worker Pilot Program shows similarly positive outcomes that support the continuation of an interdisciplinary model of representation for indigent parents.

ORPC R6 SOCIAL WORK COORDINATOR: The ORPC requests 1.0 FTE and \$130,826 General Fund increase to create the position of Social Worker Outreach Coordinator. The position will promote the ORPC's legislative mandate to improve the quality of appointed legal representation for parents in dependency and neglect proceedings by providing respondent parent attorneys across Colorado with access to social work resources, high quality training, and pilot programs that enhance representation.

ORPC R7 CARRIE ANN LUCAS FELLOWSHIP: The ORPC requests 1.0 FTE and \$173,522 General Fund to create the Carrie Ann Lucas Fellowship, named after Carrie Ann Lucas,⁴ a nationally known advocate for disabled parents who worked for the ORPC and died last February after living with a rare form of muscular dystrophy for three decades.

Though Ms. Lucas had planned to go into ministry, she changed course and went to law school after struggling to adopt her disabled niece, a 9-year-old then in foster care. Running into resistance due to discrimination based on her own disability, Ms. Lucas successfully fought for adoption with the help of a court-appointed special advocate. The ORPC observes that parents with disabilities in child welfare cases lose their parental rights at higher rates than non-disabled parents⁵ and children with disabilities become legal orphans at higher rates than non-disabled children.⁶

In addition to her work for the ORPC, Ms. Lucas was a leader in the passage of H.B. 18-1104 (Family Preservation For Parents With Disability), under which a parent's disability cannot be used as a basis for

- denying or restricting temporary custody, foster care, guardianship, or participation in adoption, or
- restricting the parent's responsibility in domestic relations or dependency or neglect proceedings, unless a detrimental impact on the child can be shown. The burden of proof in these cases is on the party that alleges the disability will have a detrimental effect on the child.

As a result of losing Ms. Lucas, the ORPC has had to refer requests for case consultations with complex disability issues to a national Americans with Disability Act (ADA) expert who does not reside in the state.

⁴ Numerous articles on Ms. Lucas are available online, including this NY Times obituary: <https://www.nytimes.com/2019/02/27/obituaries/carrie-ann-lucas-dead.html>.

⁵ National Council on Disability, *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children* (September 27, 2012), p. 77, https://www.ncd.gov/sites/default/files/Documents/NCD_Parenting_508_0.pdf.

⁶ Center for Advanced Studies in Child Welfare, Univ. of Minnesota, *The Intersection of Child Welfare and Disability: Focus on Children* (Spring 2013), p. 8, https://cascw.umn.edu/wp-content/uploads/2013/12/Spring2013_360_web-FINAL.pdf.

To honor Ms. Lucas' memory and to ensure that her work continues, the ORPC requests funding for the creation of the Carrie Ann Lucas Fellowship, which will be filled by the Carrie Ann Lucas Fellow, who will be selected by the ORPC. This Fellow will be a specialist in legal matters related to disabled parents and will

- Write and conduct research on related topics,
- Consult with attorneys who represent parents with disabilities or have children with disabilities,
- Help the ORPC recruit and train more attorneys to engage in parent representation, and
- Create and maintain a Carrie Ann Lucas portal on the ORPC website to house information about Ms. Lucas and her work as well as resources for parents with disabilities and those who represent them.

The Carrie Ann Lucas Fellow will be a permanent state employee who receives state benefits. The Fellow will be an attorney whose salary falls in the class range for ORPC staff attorneys. The ORPC has requested an appropriation sufficient to pay the Fellow a salary at the midpoint of the staff-attorney range (\$133,056) so it can hire an experienced attorney.

ORPC R8 CONTRACTOR RATE INCREASE: The ORPC requests \$1,115,181 General Fund, including \$1,048,491 for Court-Appointed Counsel and \$66,690 for Mandated Costs for a 5% increase of the hourly rates paid to contract attorneys, paralegals, investigators, family advocates, and social workers. The ORPC will update the estimate and consider the need to submit a budget amendment as more information becomes available. This request is the subject of the first issue.

ORPC R9 Operating expenses: The ORPC requests \$27,968 additional General Fund for increased operating expenses:

- Renewal at an increased price of the Office's 3-year contract with Westlaw. The ORPC provides Westlaw to its contract attorneys at no charge.
- Renewal at an increased price of the RTD EcoPasses that it provides to its employees, and
- Software licenses for Westlaw Drafting Assistant (used by contract attorneys), SPSS (for statistical analysis), DocuSign (for electronic signing of documents), SkillShare (for training ORPC staff), and Survey Monkey (for conducting internet surveys of ORPC contractors).

The ORPC will submit a FY 2019-20 Supplemental request related to these items.

ORPC R10 Training: The ORPC requests that its appropriation for training be increased by \$46,000 total funds, comprised of \$28,000 General Fund and \$18,000 cash funds. The General Fund increase is to offset the recent loss of grant funds and to pay for the training of an increasing numbers of attorneys and other professionals. The cash fund increase will allow the Office to expend the additional training fees it anticipates collecting. The Office anticipates that it will submit a supplemental request to increase cash fund spending authority in FY 2019-20.

Requests from Office of the Child Protection Ombudsman (OCPO)

OCPO R1 SALARY INCREASES: The OCPO requests \$35,749 General Fund to increase the salaries of six of the eight people it employs. With these increases, the OCPO hopes to improve recruitment and retention of employees. Though the OCPO is not part of the common compensation plan of the OADC, OCR, and ORPC, it sets salaries in a similar manner, identifying Judicial Department job classifications that are appropriate for its own employees and paying salaries within the Judicial

Department range for that classification. The OCPO requests funding to move three of its employees up within the salary range for their existing job classification and, recognizing that the responsibilities and requirements of three other employees have grown,⁷ requests funding to pay those employees higher salaries corresponding to Judicial Department job classifications with greater responsibility and higher salary ranges.

OCPO R2 EXTERNAL ASSISTANCE WITH COMMUNICATION: The OCPO requests \$42,000 General Fund on an ongoing basis to engage a local communications firm that will help it connect with outside stakeholders and citizens and help make them aware of the CPO's services, its findings, and the guidance it provides. The Agency points to the Legislature's stated intent that it provide those involved in the State's child-protection system with "a well-publicized, easily accessible, and transparent grievance process for voicing their concerns about the child protection system as well as being responsible for responding to those concerns in a timely and appropriate manner." (Section 19-3.3-101 (1)(e), C.R.S.) It also points to its statutory responsibilities "to help educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe," and "to promote best practices and effective programs relating to a publicly funded child protection system" (Section 19-3.3-101 (2)(c) and (d), C.R.S.).

The communications firm that the OCPO intends to engage has developed a strategic plan that will promote the Office to stakeholders and citizens in a low cost but effective fashion that takes advantage of social media, videos, e-newsletters and a training toolkit for professionals and mandatory reports, and other ideas. The OCPO notes that this plan costs about a third as much as a full-time public relations employee.

Requests from the Colorado District Attorneys' Council

CDAC R1 DISTRICT ATTORNEY MANDATED COSTS: The Colorado District Attorney's Council requests the following increase for *District Attorney Mandated Costs*, a line item that reimburses district attorneys for part of the mandated costs they incur during prosecution. [For more information see Appendix C, Judicial request for information #3.]

DISTRICT ATTORNEYS' MANDATED COSTS REQUEST			
	GENERAL FUND	CASH FUNDS	TOTAL FUNDS
2019-20 Appropriation	\$2,491,686	\$170,000	\$2,661,686
Requested increase	<u>79,851</u>	<u>30,000</u>	<u>109,851</u>
2020-21 Request	\$2,571,537	\$200,000	\$2,771,537
Percent change	3.2%	17.6%	4.1%

Other Judicial Branch Changes

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes the following adjustments for annualization of prior year budget actions:

ANNUALIZE PRIOR BUDGET ACTIONS

⁷ The Chief Analyst, the Director of Administrative Services, and the Child Protection Systems Analyst for the Division of Youth Services.

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2019-20 Merit pay	\$10,845,222	\$10,291,305	\$553,917	\$0	\$0	0.0
FY 2019-20 Salary survey	5,734,170	5,712,825	21,345	0	0	0.0
FY 19-20 JUD R2 Add probation officers and supporting staff	1,195,454	1,195,454	0	0	0	12.5
FY 19-20 OSPD R2 Refinance Denver criminal court grant	15,496	15,496	0	0	0	0.3
FY 19-20 ORPC R2 Staff attorney	6,012	6,012	0	0	0	0.0
FY 19-20 ORPC R4 Programs Analyst	3,733	3,733	0	0	0	0.0
FY 19-20 OSPD R4 IT security	3,686	3,686	0	0	0	0.1
FY 19-20 ORPC R3 Administrative Specialist	3,064	3,064	0	0	0	0.0
FY 19-20 JUD R4 Audio visual technical staff and administrative support	2,258	2,258	0	0	0	0.0
FY 19-20 ORPC R5 Compensation plan alignment	166	166	0	0	0	0.0
FY 19-20 JUD R10 and BA5 Courthouse capital	(4,135,390)	(4,135,390)	0	0	0	0.0
FY 19-20 JUD Salary Survey	(1,142,149)	(1,121,260)	(20,889)	0	0	0.0
FY 17-18 ORPC BA2 Social Worker Pilot Program	(302,640)	(302,640)	0	0	0	0.0
FY 19-20 OADC R3 Operating expense increase	(106,500)	(106,500)	0	0	0	0.0
FY 19-20 OCR R2 Two programs and compliance analyst positions	(90,598)	(90,598)	0	0	0	0.0
FY 19-20 JUD R5 Distance learning specialists	(60,677)	(60,677)	0	0	0	0.0
FY 19-20 OCR R4 Increase Operating Appropriation	(22,857)	(22,857)	0	0	0	0.0
FY 19-20 JUD R7 Centralized Legal Research Team	(13,374)	(13,374)	0	0	0	0.0
FY 19-20 OADC R2 Social worker outreach coordinator	(3,473)	(3,473)	0	0	0	0.0
FY 19-20 OSPD R3 Arapahoe courtroom staffing	(1,658)	(1,658)	0	0	0	0.1
TOTAL	\$11,929,945	\$11,375,572	\$554,373	\$0	\$0	13.0

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes the following adjustments for annualization of prior year legislation:

ANNUALIZE PRIOR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA	\$1,830,971	\$1,742,676	\$88,295	\$0	\$0	0.0
SB 19-043 Increase number of district court judges	500,159	500,159	0	0	0	27.2
HB 19-1263 Offense level for controlled substance possession	433,809	433,809	0	0	0	7.2
HB 19-1229 Preservation of abandoned estate documents	153,377	153,377	0	0	0	0.3
HB 19-1177 Extreme risk protection orders	119,392	119,392	0	0	0	0.0
SB 19-108 Juvenile justice reform	275	275	0	0	0	0.0
HB 19-1310 Interest on orders of restitution	(220,480)	0	(220,480)	0	0	0.0
SB 19-223 Competency to proceed	(182,027)	(182,027)	0	0	0	0.6
HB 19-1045 Office of Public Guardianship	(163,589)	(163,589)	0	0	0	1.5
SB 19-030 Remedying improper guilty pleas	(65,926)	(65,926)	0	0	0	0.3
HB 19-1275 Criminal record sealing	(4,428)	275	(4,703)	0	0	0.0
HB 19-1316 Modernize marriage laws for minors	(2,250)	(2,250)	0	0	0	0.0
SB 18- 203 Conflict free representation in municipal courts	(287)	(287)	0	0	0	0.1
TOTAL	\$2,398,996	\$2,535,884	(\$136,888)	\$0	\$0	37.2

COMMUNITY PROVIDER RATE: The request includes \$366,937 total funds (\$83,005 General Fund) for a one percent community provider rate increase.

NON-PRIORITIZED DECISION ITEMS: The request includes \$73,450 General Fund for the non-prioritized request “OIT Budget Packet.”

CENTRALLY APPROPRIATED LINE ITEMS: The request includes the following adjustments to central appropriations:

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Health, life, and dental	\$3,278,608	\$3,258,271	\$20,337	\$0	\$0	0.0
Salary survey for judges	1,501,939	1,501,939	0	0	0	0.0
SAED adjustment	1,239,835	1,266,726	(26,891)	0	0	0.0
AED adjustment	1,061,681	1,088,572	(26,891)	0	0	0.0
CORE adjustment	659,607	659,607	0	0	0	0.0
Payments to OIT adjustment	636,870	636,870	0	0	0	0.0
Short-term disability adjustment	13,469	13,977	(508)	0	0	0.0
Merit pay adjustment	(4,614,459)	(4,420,758)	(193,701)	0	0	0.0
Salary survey adjustment	(4,508,081)	(4,508,081)	0	0	0	0.0
PERA Direct Distribution	(2,069,199)	(2,000,431)	(68,768)	0	0	0.0
Payment to risk management / property funds adjustment	(190,300)	(190,300)	0	0	0	0.0
Legal services adjustment	(72,360)	(72,360)	0	0	0	0.0
Workers' compensation adjustment	(59,487)	(59,487)	0	0	0	0.0
Vehicle lease payments adjustment	(14,751)	(14,751)	0	0	0	0.0
TOTAL	(\$3,136,628)	(\$2,840,206)	(\$296,422)	\$0	\$0	0.0

ISSUE: CONTRACTOR RATE INCREASES

The Office of the Alternate Defense Council, the Office of the Child's Representative, and the Office of the Respondent Parents Council, request an approximately 5 percent increase for the rates that they pay to the attorneys who represent the clients that these agencies serve. They request a similar increase for the paralegals, investigators, social workers and other contractors who support the work of these attorneys. The 5 percent increases to the hourly rate will be rounded to the nearest whole dollar, resulting in increases that are not exactly 5 percent. In combination the three requests total \$4,528,209 General Fund.

In support of this request, the agencies point to recent salary increases awarded to state employees, the higher billing rates charged by private-sector attorneys, the higher rates the federal government pays to contract attorneys.

SUMMARY

- The Office of the Alternate Defense Council, the Office of the Child's Representative, and the Office of the Respondent Parents Council, request an approximately 5 percent rate increases for the contract attorneys who provide legal representation for the clients that the agencies serve.
- The agencies point to the higher billing rates charged by private-sector attorneys and the higher rates the federal government pays to contract attorneys.
- The agencies request an increase that parallels the salary increases offered by the state over the last two years.

RECOMMENDATION

This issue provides background information for a recommendations that will be made at figure setting.

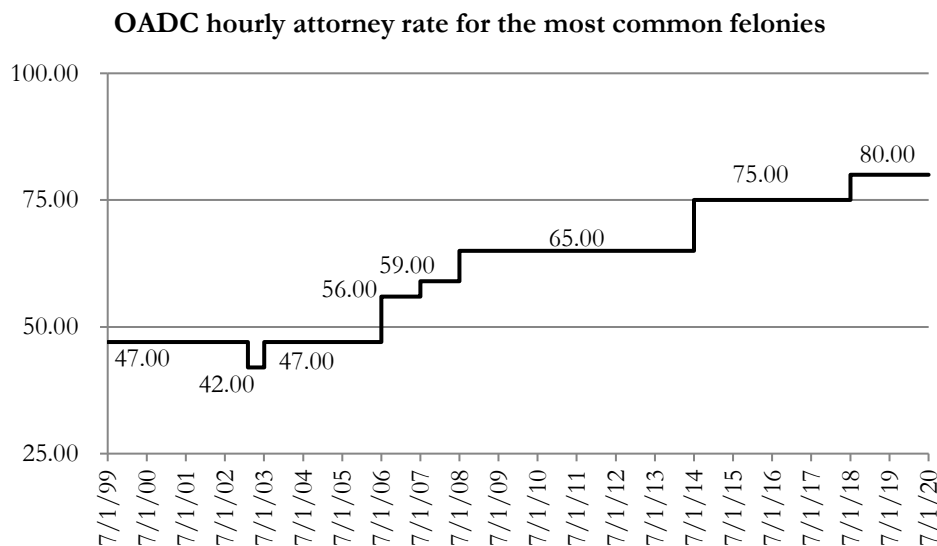
DISCUSSION

The Office of the Alternate Defense Council (OADC), the Office of the Child's Representative (OCR), and the Office of the Respondent Parents Council (ORPC), request an approximately 5 percent rate increases for the attorneys who provide legal representation for the clients that these agencies serve. The agencies also request increases for the professionals who support those attorneys, such as paralegals, social workers, and investigators. All of these contractors are paid on an hourly basis.

The three General Fund requests of are summarized in the following table:

AGENCY	CURRENT APPROPRIATION FOR CONTRACTS	REQUESTED INCREASE TO PAY HIGHER RATES
Office of the Alternate Defense Council	\$42,654,216	\$2,383,172
Office of the Child's Representative	25,282,943	1,145,367
Office of the Respondent Parents Council	<u>17,576,705</u>	<u>999,670</u>
Total	\$85,513,864	\$4,528,209

The following chart shows the rate that the OADC has paid for contract attorneys in the most common felony cases since 1999. The OADC pays \$85 per hour for more serious felonies not involving the death penalty and pays \$95 per hour in death penalty cases.) The last hourly rate increase was on July 1, 2014 when attorneys received a \$10 per hour increase. Investigators and paralegals received \$5 increases at the same time. The Office of the Child's Representative, and the Office of the Respondent Parents Council have shorter rate histories.



One of the first things to observe from this chart is that only two years have elapsed since the last rate increase – the previous two increases followed pauses of 6 and 4 years. Staff understands that this represents a new approach by the three agencies; rather than asking for large and thus expensive increases after extended periods of unchanged rates, the agencies have decided to ask for smaller increases more frequently

To make the case for these rates, the three agencies point to other, higher hourly billing rates for attorneys.

1. The Colorado Department of Law's hourly billing rate for attorneys for FY 2017-18 is \$107.66.
2. Federal Courts pay \$148 per hour to represent defendants in non-capital cases; when the death penalty is involved the rate is \$190.⁸
3. The OADC cites the average (mean) hourly rate of \$243 that Colorado Bar association reports in its latest member survey.
4. Colorado State employees have received increases to base salaries since July 1, 2014, and the Governor's Office has proposed another 2% increase for FY 2020-21. Just as Federal, State, and private sector attorneys experience inflation, so do OADC contractors. The agencies

⁸ For rates paid by U.S. courts see https://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16 and the higher rates for capital cases at https://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-6-ss-630-compensation-appointed-counsel#a630_10_20.

could also have pointed to the 10 percent increase that attorneys at the OSPD received this year.

Staff is sympathetic to these arguments but as a non-attorney couldn't help but think that \$80 per hour sounds like a lot of money. To get a sense of how much, staff conducted an internet survey of contractors from the OADC, the OCR, and the ORPC. At the request of staff, the three agencies sent a link to [this survey](#)⁹ to their attorney contractors and asked them to fill it out. A total of 209 contractors responded, 136 from the OADC, 68 from the OCR, and 45 from the ORPC. These responses sum to more than 209 because a number of contractors work for more than one agency, the most common combination being the OCR and the ORPC. The following table summarizes some of the findings:

Portion contracting with the OADC	65%
Portion contracting with the OCR	33%
Portion contracting with the ORPC	21%
Portion practicing in an urban area (some practiced in both urban and rural areas)	61%
Portion who are sole practitioners	70%
Average % of practice coming from clients not provided by the OADC, OCR, or ORPC. (OADC attorneys had the most clients from other sources, 33%)	72%
Average hours annually devoted to your legal practice	2158
Average legal hours billed annually	1600
Percentage of total practice hours that the attorney bills. The average respondent works 4 hours to bill 3.	74%
Portion getting health insurance through the employer of a spouse or companion.	40%
Average cost of health insurance for respondents who don't get health insurance through a spouse or companion. It was hard to interpret the responses to this question because the coverage varied. A moderate number reported costs in excess of \$20,000 annually; this group usually had coverage for a spouse and children. Those with lower costs typically had insurance that only covered themselves.	\$9260
Portion with a student loan from law school	61%
Average reported loan payment for those with student loans. The largest reported loan payment was \$37,200 per year.	\$9,019
Average number of years it is expected to take to pay off the student loan.	18.6

Commenting on their students loans, a number noted that law school loans made to those who work as employees for public sector agencies for a required amount of time will be forgiven, but the wait for forgiveness is much longer if you work as a *contractor* for a public sector agency.

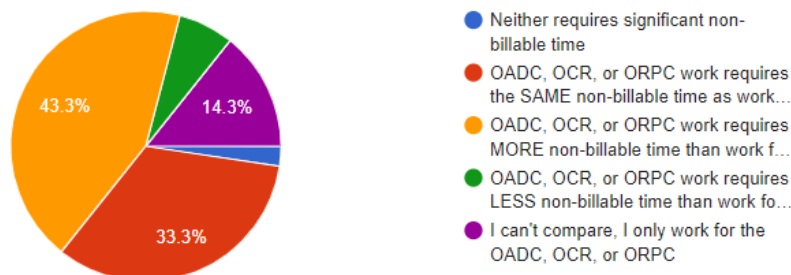
A question asking respondents to compare the amount of non-billable work they must do for the OADC, OCR, and ORPC to the amount of non-billable work done for others drew the following responses, which reassuringly suggest that the OADC, OCR, and ORPC have restrictive rules about what they will and will not pay for:

⁹ This link opens a copy of the survey. The original survey was closed on November 16, 2019 and is no longer accessible on the internet.

Compare the non-billable time that's connected to your OADC, OCR, or ORPC work with the non-billable time that's connected to your work for other clients.



210 responses



Unfortunately, the answer to the question, "How much do you earn annually as an OADC, OCR, or ORPC contractor?" proved elusive, though staff is comfortable saying that a contract attorney who works 40 hours per week at his or her law practice, takes off on the normal holidays, and takes 3 weeks of vacation annually, won't make a lot of money, perhaps \$60,000 annually. However, that is a guess that depends on whether a spouse can provide insurance at a low cost through an employer, whether there's a home office (which several noted is not feasible if you need to meet clients at your office), and whether you have an employee like a paralegal.

The Office of the Alternate Defense Counsel asserts that adequate compensation of contractors is vital if the Office is to acquire and retain the qualified attorneys it needs to ensure effective and efficient legal services for indigent defendants and juveniles. There will be cost savings to the Agency if it can attract and retain more experienced contractors because they are more effective and efficient than newly minted inexperienced lawyers who are willing to work for the Office at low rates, but, history shows, lack competency in various areas of criminal and juvenile defense representation. This lack of competencies ultimately costs OADC more money in inefficiencies, post-conviction claims, and additional training, mentoring, and oversight.

ISSUE: S.B. 18-249 AND S.B. 18-251

During the 2018 session, the General Assembly enacted two bills, S.B. 18-249 and S.B. 18-251, that were designed to help people with mental health problems who become involved in the criminal justice system. The programs those bills created may require some adjustments.

SUMMARY

- The pilot Mental Health Criminal Justice Diversion Grant Program established by S.B. 18-249 has too few participants for a valid assessment of program effectiveness by the time the pilot's final report is due in 2021. To increase program enrollment, the pilot should expand to at least one more jurisdiction without increasing appropriations, which requires statutory change.
- The Bridges Program established by S.B. 18-251 is having trouble hiring contract Court Liaisons and may need to hire state employees to act as Liaisons. In addition, the Judicial Department has requested an additional staff person for the program.

RECOMMENDATION

Staff recommends the Committee carry a bill to allow the Mental Health Criminal Justice Diversion Grant Program established by S.B. 18-249 to expand to at least one more county.

DISCUSSION

During the 2018 session, two bills were enacted by the General Assembly that were designed to help people with mental health problems who become involved in the criminal justice system. The first was S.B. 18-249 (*Mental Health Criminal Justice Diversion Grant Program*, sponsored by Sens. Gardner and Lambert, Reps. Lee and Young), which established the Mental Health Criminal Justice Diversion Grant Program to divert individuals with mental health conditions who have been charged with low-level criminal offenses out of the criminal justice system into community treatment programs. The second bill was S.B. 18-251 (*Behavioral Health Court Liaison Program*, also sponsored by Sens. Gardner and Lambert, Reps. Lee and Young), which established the Bridges Program. This program allocates funding to each judicial district to contract with local behavioral health professionals ("Court Liaisons") to facilitate communication and collaboration between judicial and behavioral health systems and promote positive outcomes for individuals living with mental health or co-occurring behavioral health conditions.

Funding and FTE for the Bridges Program

The Bridges Program began operating in the fall of 2018. It places 29 Court Liaisons across all 22 judicial districts to facilitate collaboration between the criminal justice and mental health systems. Court Liaisons, who are contractors rather than state employees, serve defendants in the criminal justice system with mental health needs, with a priority on serving individuals for whom a question of competency has been raised. The intention of the original legislation was to address the critical delay defendants experience in accessing competency services, which leads to significant decompensation of mental health in jail settings. In addition, Court Liaisons address more

comprehensive needs of a defendant beyond competency (such as mental health, housing, and transportation), thereby supporting long-term stability and positive outcomes for the defendant, while simultaneously reducing the burden on the court system and jails as a repository for individuals struggling with mental health needs. Court Liaisons work directly with defendants to identify needs and connect them to services, keep judges and attorneys informed about available services in the community, and facilitate communication and coordination of care with the Office of Behavioral Health (OBH) competency programs. More than 400 defendants are currently in the program, representing over 550 cases.

The Department states that the program has been well-received by stakeholders and participants, with more than 400 defendants currently in the program, representing more than 550 cases.

For FY 2019-20, the Bridges Program has an appropriation of \$2,636,987 General Fund and 1.0 FTE, which appears in the Long Bill on a line item titled *Statewide Behavioral Health Court Liaison Program*. This FTE, who is known as the Statewide Coordinator, has traveled to more than 70 judicial stakeholder and other meetings across the state, presented to more than 30 non-judicial stakeholder groups, delivered sixteen days of training to Court Liaisons and their supervisors, and held one-on-one orientations for Court Liaisons in each judicial district. The Department expects the need for this type of involvement to increase, in part due to changes to the competency statute resulting from S.B. 19-223 (*Actions related to competency to proceed*). The Department states that "Workload for the Statewide Coordinator has increased approximately 25% in order to address the new legislative and consent decree expectations and coordination with OBH's Forensic Support Team, including information and data sharing solutions, cross-training of teams, program design and consultation, and development of new policies and procedures for Court Liaisons."

Possible Judicial FTE request in January: Despite these successes, a problem is developing in some jurisdictions. The fiscal note for S.B. 18-251 envisioned that the Court Liaisons would be contractors who worked for community mental health providers, rather than state employees. Providers of mental health services initially provided their own employees on a contract basis to serve as the liaisons. Recently several contractors have indicated that they are only willing to continue doing so at much higher rates, which could leave the Department with no choice but to pay the high price demanded by the only qualified provider in the jurisdiction. The Department is currently exploring the possibility of providing liaison services with state employees, which would be consistent with statute but would require FTE authorization in the Long Bill FTE. The Department believes that the salary and benefits it would pay for a state employee are less than the prices that some mental health providers are demanding for contract Court Liaisons. In January, the Judicial Department is likely to request authorization through a supplemental and budget amendment to hire several FTE to serve as liaisons. The requests would ask for FTE but not for funding.

Requested budgetary change submitted this November: The Department requests \$86,610 General Fund and 1.0 FTE for a Court Programs Analyst II who will support the work of the statewide coordinator by: 1) developing curriculum for ongoing Court Liaison training; 2) providing training to new Court Liaisons and ongoing case consultation to all Court Liaisons; 3) documenting and maintaining policies, procedures, and best practice guidelines; 4) providing ongoing trainings to judges and attorneys on best practices for utilization of the Bridges Program; 5) supporting statewide data collection efforts; and 6) coordinating information sharing and development of best practices with the Office of Behavioral Health in order to implement 2019 statutory and consent decree expectations.

Statutory change for the Mental Health Criminal Justice Diversion Grant Program

The Mental Health Criminal Justice Diversion Grant Program established by S.B. 18-249 began operating in the spring of 2019. It established pilot programs at jails in the 6th judicial district (Archuleta, La Plata, San Juan), the 8th (Jackson, Larimer), the 16th (Bent, Crowley, Otero), and the 20th (Boulder). These programs divert individuals with mental health conditions who have been charged with low-level criminal offenses out of the criminal justice system into community mental health treatment programs rather than to jail and prosecution. If the participant is successful (i.e. completes treatment and has no further criminal charges), the criminal charges are dismissed or not pursued further.

From the outset the Mental Health Criminal Diversion Grant Program has faced more challenges than the Bridges Program. Some of the problems resulted from the original legislation, which provided too little funding to pay participating district-attorney offices and participating mental health contractors. The funding problem was alleviated by S.B. 19-211 (*Mental Health Criminal Diversion Program*, a JBC bill), which provided an additional \$442,543 of General Fund. The bill also added a requirement that the Judicial Department submit a report by November 1, 2021 that evaluates the program. Based on this report, the General Assembly must decide during the 2022 session whether the program should be continued beyond its automatic repeal on June 30, 2022.

The need to report in November 2021, combined with the program's continued slow growth means that it is now unlikely that the pilot program will have enough participants over the next two years to provide a statistically valid assessment on which the General Assembly can base a renewal decision. The problem is not a lack of funding, but a lack of participants, a problem that can be remedied by allowing the pilot program to use its existing funding to expand to at least one more judicial district. That new district could be Denver, which has expressed willingness to participate.

Staff recommends that the Committee carry a short bill that amends S.B. 18-249 to allow the pilot program to be conducted in at least five judicial districts rather than the four that are currently authorized. The bill would not contain an appropriation.

ISSUE: JUDICIAL OFFICER STAFFING

The Judicial Department has requested \$2,451,736 General Fund for 8.0 FTE new county court magistrates and 16.0 FTE support staff. The request responds to the substantial and surprising increase in workload that county courts have recently experienced. The increase became apparent when a 2010 workload study for county court judges was updated in 2018. There may be another surprise staffing shortfall next year when the District Court workload study is updated.

SUMMARY

- Due primarily to a surge in felony case filings, the workload of district courts has risen in recent years.
- In response to the workload increase, the Judicial Department has requested a \$7,681,991 General Fund appropriation for 15 new district-court judgeships and 45 support staff for FY 2019-20, for a total of 60.0 new FTE.

RECOMMENDATION

This is an informational issue that examines the primary drivers of the need for additional county court judges.

DISCUSSION

The Judicial Department requests \$2,451,736 General Fund for 8.0 FTE new county court magistrates and 16.0 FTE support staff. In the second year the General Fund cost is \$2,119,675. The following table shows the distribution of the new magistrates and the staffing shortfalls that the new magistrates are designed to reduce.

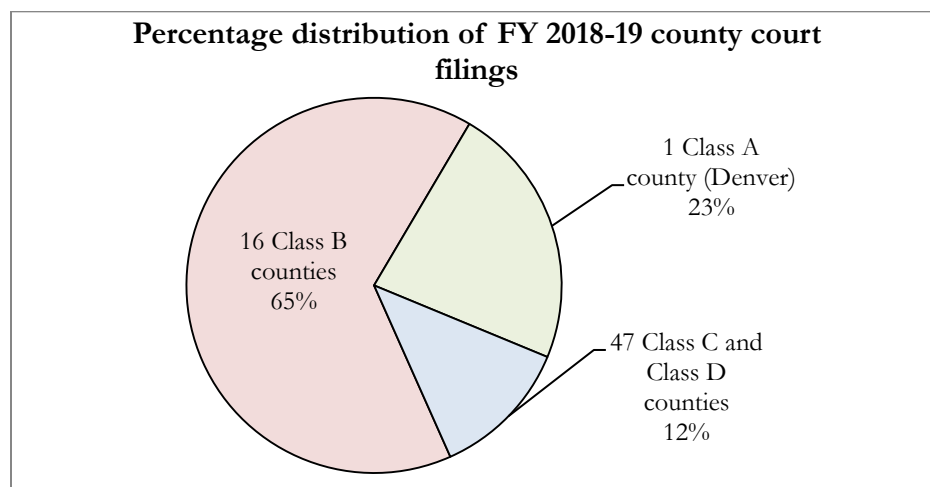
COUNTY	JUD R2 REQUEST FOR MAGISTRATES				
	FY 19-20 ACTUAL JUDICIAL OFFICERS	FY 19-20 JUDICIAL OFFICERS NEEDED BASED ON STAFFING MODEL	SHORT- FALL	NUMBER OF MAGISTRATES REQUESTED	CURRENT COUNTY COURT STAFFING %
Adams	10.00	13.29	(3.29)	2.0	75.3%
Weld	5.00	6.34	(1.34)	1.0	78.8%
Larimer	5.52	6.97	(1.45)	1.0	79.2%
Jefferson	9.50	11.80	(2.30)	1.0	80.5%
El Paso	12.85	15.92	(3.07)	1.0	80.7%
Arapahoe	10.00	12.09	(2.09)	1.0	82.7%
Mesa	3.50	4.20	(0.70)	0.5	83.3%
Pueblo	3.50	4.19	(0.69)	0.5	83.6%
Total	59.9	74.8	(14.93)	8.0	80.0%

Background information:

- Magistrates are administratively appointed without input from the Governor or the Senate. They are not subject to retention and removal by voters. Though magistrates cannot perform all

judicial tasks, there are numerous locations in statute where magistrates are empowered to perform duties granted to judges, including duties relating to criminal, civil, juvenile, domestic relations, probate, and traffic laws. Magistrates can decide the merits of cases, hear and evaluate evidence and witness credibility, analyze laws and rules, make findings of fact and conclusions of law, and issue oral or written decisions and orders to resolve cases. They can be moved among judicial districts without statutory change but the Judicial Department is very cautious about doing so.

- Full time magistrates are currently paid \$148,240 annually. County court judges are paid \$165,795. The shortage of county court judicial officers could also have been addressed with more judges.
- Each magistrate is provided two court judicial assistants as support staff.
- Unlike last year's Judicial Department request for 15 additional district court judges, no statutory change is needed to add magistrates. Statutory change is needed to add a county court judge.
- All counties have at least one county court judge but in small counties that judge may work part time.
- The counties that would receive the requested magistrates are classified in statute as "Class B" counties.
- For Judicial Department purposes, there are four classes of counties: class A, B, C, and D. Denver is the only class A county. Class B counties are of moderate to large size, measured in terms of population. The smallest Class B counties are Summit, Montrose, and Fremont. Small counties are class C or D and have at most 1.0 FTE county judge; many have a fractional judge.
- Pursuant to statute, the Judicial Department regularly adjusts the fractional county judgeship assigned to each C or D county based on county caseload projections.
- Denver staffs and operates its own county courts; it's the only county in the state that does so. Thus Denver is not part of this analysis.
- The following pie chart shows the percentage distribution of county court filings for all counties in Colorado.



- Class B county court staffing statewide is 79.4%.
- When a judicial officer is funded by the state, counties are responsible for providing and operating the building where the judicial officer will have offices and a courtroom. The state pays the personnel and infrastructure costs associated with the magistrate.

Background on Staffing Models:

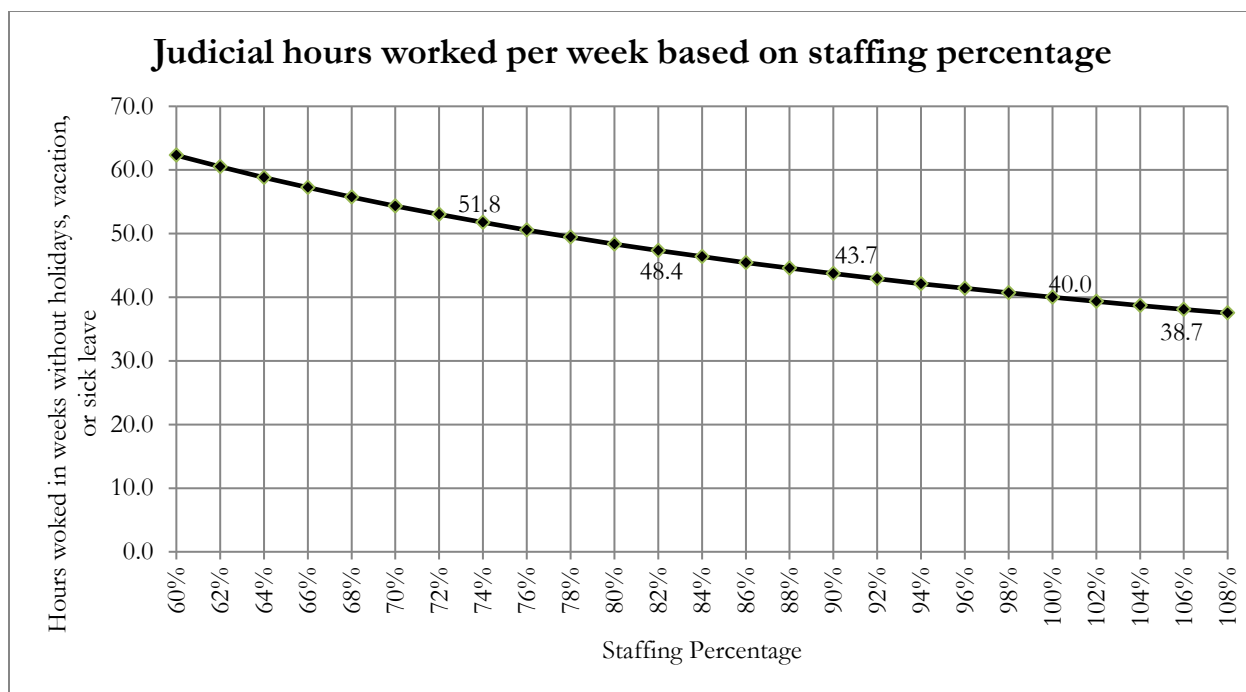
- The Judicial Department periodically conducts staffing studies. During the study period, judicial officers record the time it takes to complete various judicial tasks for various types of cases. Based on this analysis, the Department computes how many cases of a given type a judicial officer can handle in a year. The result is the standard number of cases of a given type that a typical judge can handle in a given year. The assumption is that judges will work the extra hours needed to adequately perform their assigned judicial tasks.¹⁰ The participation rate in the study was 100 percent.
- Adjustments are made for large and small rural counties because rural county judges can't specialize in certain case types and become more efficient.
- The result of a workload study is a workload table like this:

COUNTY COURT CASE TYPE	AVERAGE NUMBER OF CASES AN URBAN COUNTY JUDICIAL OFFICER CAN PROCESS IN 1 YEAR (2018 STANDARDS)
Problem Solving Court	174
DUI	983
Domestic Violence	1,066
Small Claims	2,531
Felony Complaint	2,618
Misdemeanors	2,708
Protective Orders	2,999
County Civil	4,308
Traffic	14,154
Infractions	34,365

- The last county court workload studies were conducted in 2010 and 2018. The last district court workload study was conducted in 2010. A new district court workload study will probably be conducted next year.
- Based on recent caseload trends, the Judicial Department projects the future number of cases of each type in the county and, using workload tables, projects the need for judicial officers. That's how the table showing the need for judicial officers in Class B counties was created.
- If the Class B county judicial officer staffing level is 80%, it means that the number of judges the counties have is 80 % of the amount needed to be fully staffed. How are the excess cases being handled? They are handled by judges who work more than 40 hours per week to handle all the cases on their docket.
- The Judicial Department's most recent published workload study for county judicial officers can be reversed engineered to determine the number of hours that the average county court judge or magistrate works in weeks in which there are no holidays, vacation, or sick time. The following chart shows the relationship.^{11, 12}

¹⁰ Sometimes judicial workload studies include "aspirational" adjustments which increase the amount of time the standard says it takes to perform a given task above the time that was actually measured. These adjustments occur when participants in the study report that they are forced to cut corners and not do as good a job on the task as they should. Aspirational adjustments do not appear to have occurred with the 2018 county court workload study.

¹¹ Analysis in the 2018 workload study shows that a judge who works 40 hours per week and takes an average amount of time off for holidays, vacation, and sick leave, will have 1472 hours available for case work each year after subtracting off continuing professional education, administrative tasks, and other non-case duties. If there are n judges in a county, then they collectively have n * 1472 hours available for cases. If for a given year, the number of cases of various types



Last year's request for district court judges

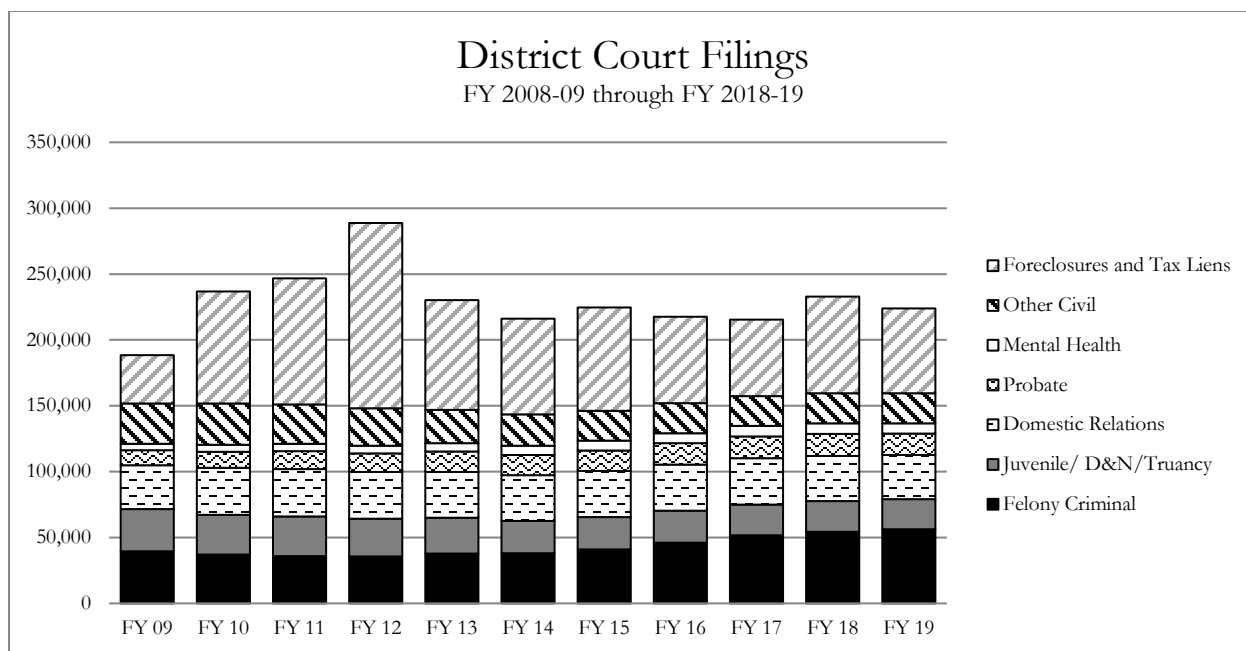
This is the second year in a row in which the Judicial Department has requested additional judicial officers. Both requests were driven by staffing shortages. The District Court shortage that the Department sought to reduce last year appeared gradually. The County Court shortage that this request seeks to reduce developed gradually, but appeared abruptly.

The judicial officer staffing request that the Judicial Department submitted last year focused on the District Courts. The additional authorization for 15 judges, plus support staff and funding, was contained in S.B. 19-043, which has a price tag of \$7,417,731 General Fund in FY 2019-20 and \$8,322,314 in FY 2020-21. In total 80.9 FTE will be added by the bill, counting the additional staff in the Office of the State Public Defender.

The underlying cause of the increase was the change in the composition of district court filings since FY 2014-15, which the following chart of district court filings barely hints at.

that judges collectively handled in the county is multiplied by the average case times in the workload study and summed, the result is an estimate of the number of hours that the judges collectively spent on cases. Dividing that number by n yields the time, t , that the average judge spent on cases. If the staffing ratio for the county courts is 82% it means that judges working 40-hour weeks could have handled 82% of the cases, i.e. $1472/t = 82\%$, which implies $t = 1472/82\%$. In general, the average number of hours a judge in the county spends on cases equals $1472/p\%$ where $p\%$ is the staffing percentage reported by the judicial department. Adding the annual time required for non-case work to this ratio gives the total number of hours that the average judge works during a year. Dividing total hours worked in a year by the number of weeks worked gives the average number of hours worked per week.

¹² Most judicial support staff and most probation officers must be paid overtime or given comp time if they work more than 40 hours. Because the judicial Department doesn't have the resources to pay overtime or comp. time, they stop working at 40 hours, leaving work partially completed or undone. A workload study for these employees can't be used to infer the hours these employees work. Workload studies in these cases are largely "aspirational."

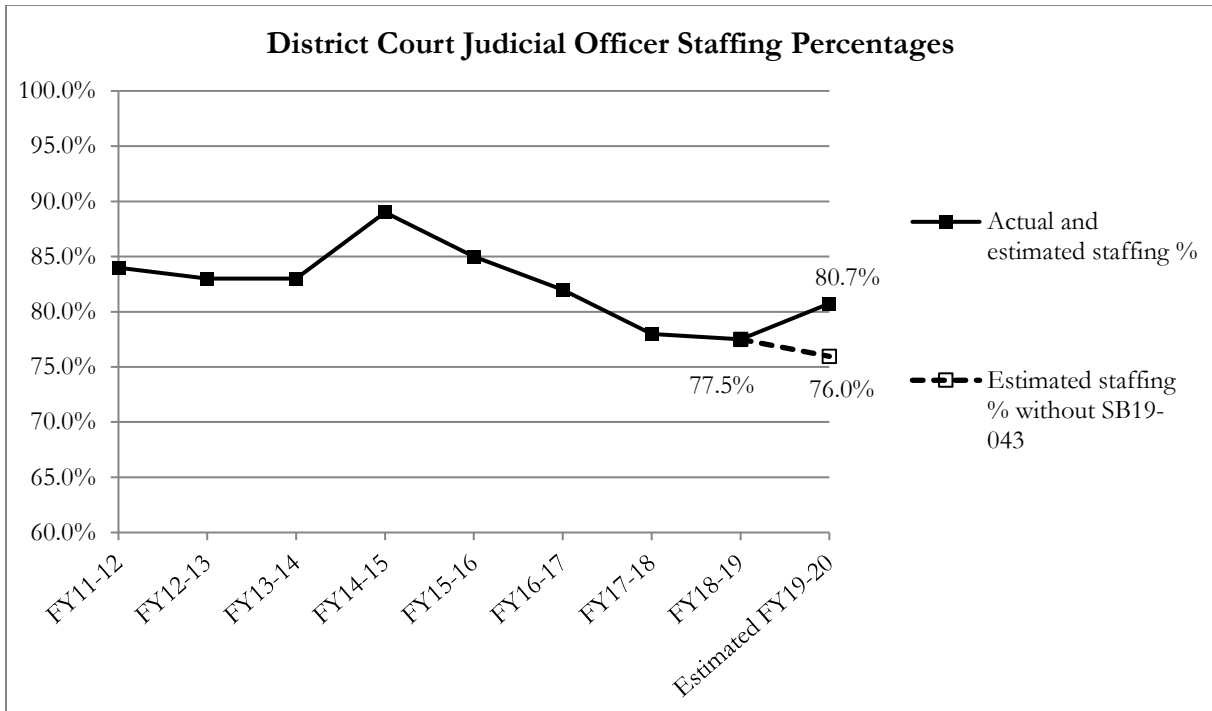


This chart shows that most of the components of district court filing have remained fairly constant since FY 2007-08, but one component, tax liens & foreclosures, spiked following the Great Recession and subsequently declined. Felonys have risen since FY 2014-15, but that increase was basically offset by declining cases of other types.

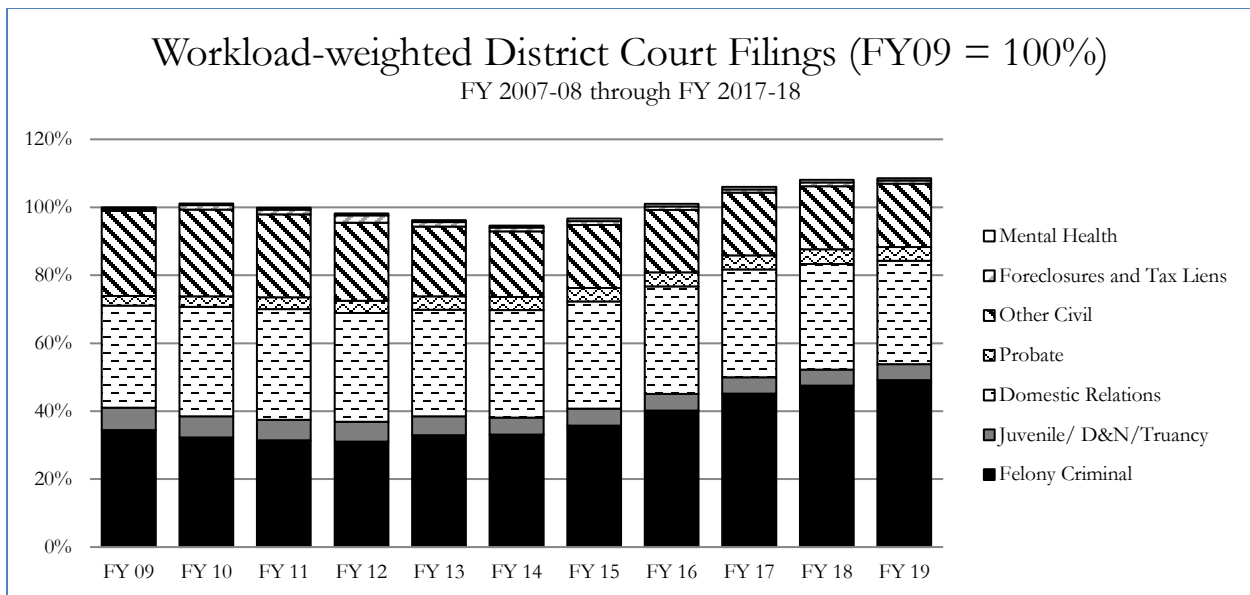
Despite the apparently level caseload shown by the preceding table, the Judicial Department reported the declining staffing percentages shown in the following table from FY 2014-15 to FY 2018-19.¹³ The chart also shows the effect of the 15 judges added by S.B. 19-043. Had the bill not been passed, the staffing percentage in FY 2019-20 would have declined to 76.0%, which would have corresponded to the average district judge working 50.6 hours. Because of S.B. 19-043, the staffing percentage rose to 80.6%, which corresponds to 48.1 hours per week.

Looked at another way, it cost \$8.3 million and 80.9 FTE to add 4.7 percent to the District Court staffing percentage. It would cost another \$8.3 million to get District Court judges to approximately 85%, where judges are working 46 hours per week.

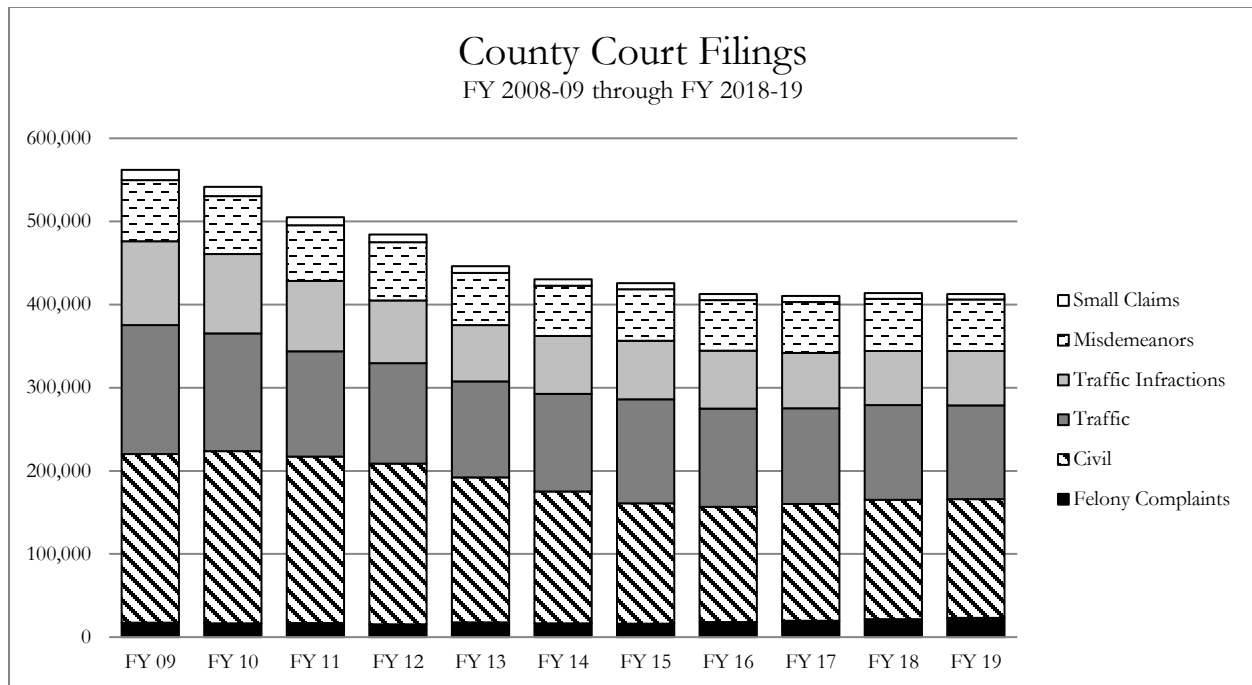
¹³ The jump in the staffing percentage in FY 2014-15 was an aberration produced by a changing case mix. It was not due to an increased number of district court judicial officers.



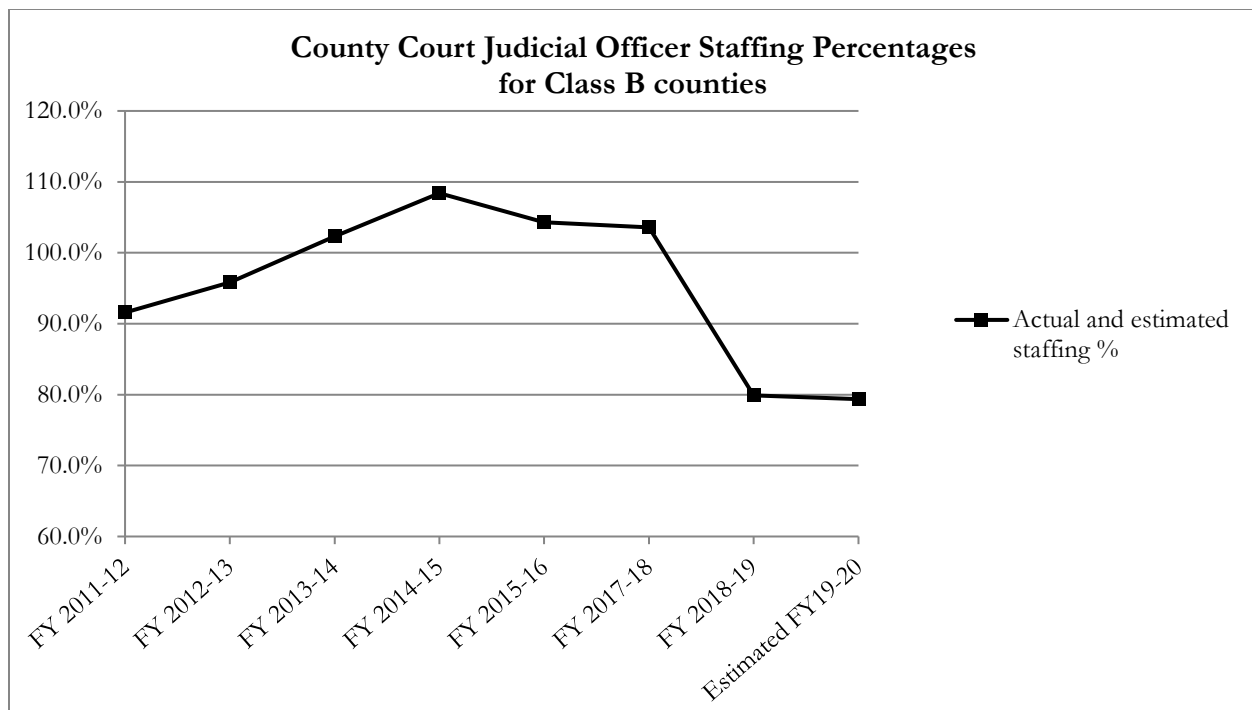
The court filings chart gave a deceptive indication of the workload because felony criminal cases take a lot of time, and they were growing, as the following chart shows.



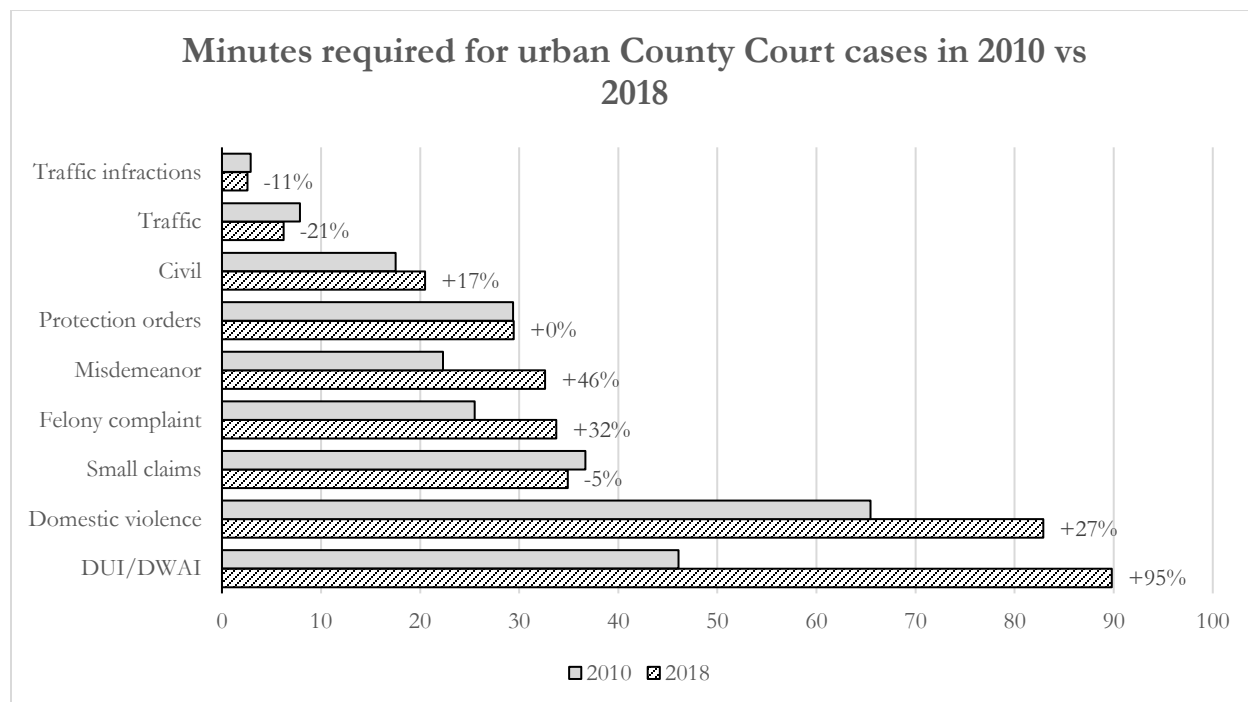
The following chart shows filings for all county courts. It shows a substantial drop in the number of cases since FY 2008-09, which would seemingly imply staffing percentages are rising.



In FY 2014-15, the Judicial Branch reported that 13 of Colorado's 16 class B county courts were staffed at 100% or higher. The overall class B county court staffing percentage was 108.4 percent, which implies county court judges were working 37 hours per week. As the following chart shows, something big happened between in FY 2018-19 when county court staffing percentages plummeted. Today every class B county is below 100 percent, and 10 of the 16 are below 85 percent.



The reason for the sharp FY 2018-19 decline is the workload study for county court judges that was conducted in 2018 to update the prior 2011 workload study. The following chart compares the amount of time it took a county-court judicial officer to process a case in 2010 and 2018.



The chart shows a small decline in the time required for traffic matters and small claims but everything else went up, sometime by a very large amount. For example, DUI nearly doubled. Time for misdemeanors increased nearly 50%. Not included in this table is the amount of time required by county court specialty courts such as drug court and DUI courts. There were few county specialty courts in 2010, now there are more and they take a great deal of time.

Appendix G reports staffing levels for each Class B county. In FY 2018-19, Adams County courts had the lowest staffing percentage at 67.7 percent, which corresponds to 56 hours of work per week for judicial officers in those courts.

The Judicial Department notes that the following factors account for some of the increase.

- County courts have experienced an increase of court time required due to body camera footage and other related technologies. Judicial officers are reviewing lengthy camera footage submitted into evidence, and when these cases proceed to trial, the parties and juries are also spending increased time reviewing footage. This increases the number of multi-day jury trials. DUI cases, in particular, are impacted by these developments as there is often body camera or dashboard camera footage of these incidents.
- The Rothgery v. Gillespie County decision in 2008 clarified the defendant's right to counsel at all initial proceedings, the county court has experienced an increase in cases where defendants are represented by court-appointed counsel. This has increased the number of appearances on cases and increased the length of time required to handle each appearance. More cases are set for jury

trial, requiring evidentiary motions hearings and other pre-trial matters, even if the case is ultimately resolved before it proceeds to trial.

- County court has also seen more cases where mental competency to proceed is an issue. Competency proceedings are particularly time consuming and lengthy.
- With the passage of House Bill 15-1043, a person faces a felony charge for a fourth or more drinking and driving offense. The increased penalties and collateral consequences associated with DUI/DWAI's has contributed to an increase in litigation and trials in these cases.

The District Court workload study will probably be updated next year. When it comes out and replaces the 2010 workload study that we've been using for a decade, it may show that workloads have been under estimated in the district courts.

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

JUDICIAL DEPARTMENT Nathan Coates, Chief Justice

(1) SUPREME COURT AND COURT OF APPEALS

This section provides funding for the Colorado Supreme Court and the Colorado Court of Appeals. The primary functions of the Supreme Court include: general supervisory control of lower courts; appellate review of lower court judgements; original jurisdiction for certain constitutional and other cases; rule-making for the state court system; and overseeing the regulation of attorneys and the practice of law. The Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations, and probate matters. The Court of Appeals also has initial jurisdiction to review actions and decisions of several state agencies, boards, and commissions. Cash fund sources primarily include annual attorney registration fees, law examination application fees, appellate court filing fees, and various docket fees that are credited to the Judicial Stabilization Cash Fund. Reappropriated funds are transferred from the Department of Law.

Appellate Court Programs	<u>14,490,399</u>	<u>14,978,929</u>	<u>15,465,637</u>	<u>15,762,114</u> *
FTE	143.0	143.0	143.0	140.0
General Fund	14,418,399	14,906,929	15,393,637	15,690,114
Cash Funds	72,000	72,000	72,000	72,000
Office of Attorney Regulation Counsel	<u>10,650,000</u>	<u>10,650,000</u>	<u>10,668,712</u>	<u>11,168,712</u> *
FTE	70.0	70.0	70.0	70.0
Cash Funds	10,650,000	10,650,000	10,668,712	11,168,712
Law Library	<u>572,897</u>	<u>572,897</u>	<u>788,204</u>	<u>1,056,728</u> *
FTE	3.5	3.5	6.5	9.5
General Fund	0	0	215,307	482,890
Cash Funds	500,000	500,000	500,000	500,941
Reappropriated Funds	72,897	72,897	72,897	72,897
Indirect Cost Assessment	<u>258,887</u>	<u>334,534</u>	<u>131,305</u>	<u>131,305</u>
Cash Funds	258,887	334,534	131,305	131,305

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
TOTAL - (1) Supreme Court and Court of Appeals	25,972,183	26,536,360	27,053,858	28,118,859	3.9%
<i>FTE</i>	<u>216.5</u>	<u>216.5</u>	<u>219.5</u>	<u>219.5</u>	<u>0.0%</u>
General Fund	14,418,399	14,906,929	15,608,944	16,173,004	3.6%
Cash Funds	11,480,887	11,556,534	11,372,017	11,872,958	4.4%
Reappropriated Funds	72,897	72,897	72,897	72,897	0.0%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(2) COURTS ADMINISTRATION

The Justices of the Supreme Court appoint a State Court Administrator to oversee administrative functions of the Branch. The State Court Administrator and his staff provide leadership and technical and administrative support for judicial district staff. This section includes funding for: the State Court Administrator and his staff; information technology staff and infrastructure for courts and probation programs; employee benefits for all court and probation staff; multiple programs that are administrated centrally rather than at the judicial district level; and operations of the Ralph L. Carr Colorado Judicial Center.

(A) Administration and Technology

General Courts Administration	<u>26,651,092</u>	<u>25,208,111</u>	<u>26,452,735</u>	<u>27,786,114</u> *
FTE	243.8	250.8	255.2	263.6
General Fund	17,907,163	19,636,441	20,921,215	22,254,594
Cash Funds	6,057,248	2,962,728	2,965,562	2,965,562
Reappropriated Funds	2,686,681	2,608,942	2,565,958	2,565,958
Federal Funds	0	0	0	0
Information Technology Infrastructure	<u>11,828,915</u>	<u>10,864,410</u>	<u>15,126,501</u>	<u>18,726,955</u> *
General Fund	403,094	1,376,236	403,094	3,924,028
Cash Funds	11,425,821	9,488,174	14,723,407	14,802,927
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Information Technology Cost Recoveries	<u>0</u>	<u>3,712,300</u>	<u>3,860,800</u>	<u>3,860,800</u>
Cash Funds	0	3,712,300	3,860,800	3,860,800
Indirect Cost Assessment	<u>855,005</u>	<u>858,755</u>	<u>1,370,924</u>	<u>1,370,924</u>
Cash Funds	832,072	835,822	1,353,429	1,353,429
Reappropriated Funds	22,933	22,933	17,495	17,495

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
SUBTOTAL - (A) Administration and Technology	39,335,012	40,643,576	46,810,960	51,744,793	10.5%
<i>FTE</i>	<u>243.8</u>	<u>250.8</u>	<u>255.2</u>	<u>263.6</u>	3.3%
General Fund	18,310,257	21,012,677	21,324,309	26,178,622	22.8%
Cash Funds	18,315,141	16,999,024	22,903,198	22,982,718	0.3%
Reappropriated Funds	2,709,614	2,631,875	2,583,453	2,583,453	0.0%
Federal Funds	0	0	0	0	0.0%

(B) Central Appropriations

d, the Judicial Department Information Technology Cash Fund, the Fines Collection Cash Fund, the Correctional Treatment Cash Fund, and the Alcohol and Drug Driving Safety Program Fund.

Health, Life, and Dental	<u>33,150,528</u>	<u>35,261,715</u>	<u>39,184,758</u>	<u>42,097,764</u>
General Fund	30,465,620	32,442,734	36,110,745	39,003,414
Cash Funds	2,684,908	2,818,981	3,074,013	3,094,350
Short-term Disability	<u>355,031</u>	<u>370,973</u>	<u>350,417</u>	<u>359,961</u>
General Fund	325,558	336,774	316,944	326,996
Cash Funds	29,473	34,199	33,473	32,965
S.B. 04-257 Amortization Equalization Disbursement	<u>10,619,357</u>	<u>11,308,146</u>	<u>12,241,474</u>	<u>13,188,862</u>
General Fund	9,836,206	10,336,222	11,247,976	12,222,255
Cash Funds	783,151	971,924	993,498	966,607
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>10,213,101</u>	<u>11,099,802</u>	<u>12,063,320</u>	<u>13,188,862</u>
General Fund	9,432,362	10,129,141	11,069,822	12,222,255
Cash Funds	780,739	970,661	993,498	966,607

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
PERA Direct Distribution	<u>0</u>	<u>0</u>	<u>8,860,947</u>	<u>6,791,748</u>	
General Fund	0	0	8,294,414	6,293,983	
Cash Funds	0	0	566,533	497,765	
Salary Survey	<u>4,974,368</u>	<u>10,832,232</u>	<u>1,142,149</u>	<u>3,153,967</u>	
General Fund	4,670,658	10,254,076	1,121,260	3,004,362	
Cash Funds	303,710	578,156	20,889	149,605	
Merit Pay	<u>1,552,341</u>	<u>0</u>	<u>8,601,771</u>	<u>4,639,792</u>	
General Fund	1,423,473	0	8,045,089	4,276,811	
Cash Funds	128,868	0	556,682	362,981	
Workers' Compensation	<u>1,471,444</u>	<u>1,829,719</u>	<u>1,464,056</u>	<u>1,404,569</u>	
General Fund	1,471,444	1,829,719	1,464,056	1,404,569	
Legal Services	<u>213,866</u>	<u>270,833</u>	<u>573,207</u>	<u>500,847</u>	
General Fund	213,866	270,833	573,207	500,847	
Payment to Risk Management and Property Funds	<u>1,127,976</u>	<u>944,272</u>	<u>1,058,074</u>	<u>867,774</u>	
General Fund	1,127,976	944,272	1,058,074	867,774	
Vehicle Lease Payments	<u>93,762</u>	<u>94,335</u>	<u>121,289</u>	<u>135,149</u>	*
General Fund	93,762	94,335	121,289	135,149	
Capital Outlay	<u>0</u>	<u>0</u>	<u>347,945</u>	<u>606,730</u>	*
General Fund	0	0	347,945	606,730	
Ralph L. Carr Colorado Judicial Center Leased Space	<u>2,579,918</u>	<u>2,626,605</u>	<u>2,673,314</u>	<u>2,721,674</u>	*
General Fund	2,579,918	2,626,605	2,673,314	2,721,674	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Payments to OIT	<u>6,079,311</u>	<u>4,527,616</u>	<u>7,401,966</u>	<u>8,112,286</u>	*
General Fund	6,079,311	4,527,616	7,401,966	8,112,286	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
CORE Operations	<u>836,556</u>	<u>970,599</u>	<u>1,218,149</u>	<u>1,877,756</u>	
General Fund	836,556	970,599	1,218,149	1,877,756	
Parental Leave	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
SUBTOTAL - (B) Central Appropriations	73,267,559	80,136,847	97,302,836	99,647,741	2.4%
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	0.0%
General Fund	68,556,710	74,762,926	91,064,250	93,576,861	2.8%
Cash Funds	4,710,849	5,373,921	6,238,586	6,070,880	(2.7%)
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

(C) Centrally Administered Programs

1 funds transferred from the Department of Human Services.

Victim Assistance	<u>16,375,000</u>	<u>16,375,000</u>	<u>16,375,000</u>	<u>16,375,000</u>	
Cash Funds	16,375,000	16,375,000	16,375,000	16,375,000	
Victim Compensation	<u>13,400,000</u>	<u>13,400,000</u>	<u>13,400,000</u>	<u>13,400,000</u>	
Cash Funds	13,400,000	13,400,000	13,400,000	13,400,000	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Collections Investigators	<u>7,023,075</u>	<u>7,162,055</u>	<u>7,349,937</u>	<u>7,561,958</u>	
FTE	104.2	104.2	121.2	121.2	
General Fund	0	0	0	0	
Cash Funds	6,125,534	6,264,514	6,452,396	6,664,417	
Reappropriated Funds	897,541	897,541	897,541	897,541	
Federal Funds	0	0	0	0	
Problem-solving Courts	<u>4,079,624</u>	<u>4,621,027</u>	<u>3,861,588</u>	<u>3,486,061</u>	*
FTE	50.6	57.6	43.6	36.2	
General Fund	875,038	1,416,441	657,002	210,143	
Cash Funds	3,204,586	3,204,586	3,204,586	3,275,918	
Language Interpreters and Translators	<u>5,344,508</u>	<u>5,839,282</u>	<u>6,222,165</u>	<u>6,594,260</u>	*
FTE	33.0	33.0	33.0	34.0	
General Fund	5,294,508	5,789,282	6,172,165	6,544,260	
Cash Funds	50,000	50,000	50,000	50,000	
Courthouse Security	<u>2,727,567</u>	<u>2,730,314</u>	<u>3,253,564</u>	<u>3,256,785</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	503,468	381,215	379,465	379,465	
Cash Funds	2,224,099	2,349,099	2,874,099	2,877,320	
Appropriation to Underfunded Courthouse Facility Cash Fund	<u>2,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>	
General Fund	2,000,000	3,000,000	3,000,000	3,000,000	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Underfunded Courthouse Facilities Grant Program	<u>2,600,000</u>	<u>3,600,000</u>	<u>3,600,000</u>	<u>3,600,000</u>	
FTE	1.0	1.0	1.0	1.0	
Cash Funds	600,000	600,000	600,000	600,000	
Reappropriated Funds	2,000,000	3,000,000	3,000,000	3,000,000	
Courthouse Furnishings and Infrastructure Maintenance	<u>3,448,056</u>	<u>1,999,095</u>	<u>5,937,671</u>	<u>2,273,235</u>	*
General Fund	2,639,800	1,999,095	5,937,671	2,273,235	
Cash Funds	808,256	0	0	0	
Senior Judge Program	<u>1,640,750</u>	<u>1,681,769</u>	<u>1,681,769</u>	<u>1,681,769</u>	
General Fund	340,750	381,769	381,769	381,769	
Cash Funds	1,300,000	1,300,000	1,300,000	1,300,000	
Judicial Education and Training	<u>1,460,283</u>	<u>1,464,342</u>	<u>1,525,938</u>	<u>1,032,588</u>	*
FTE	2.0	2.0	2.0	2.0	
General Fund	8,289	12,348	73,944	36,650	
Cash Funds	1,451,994	1,451,994	1,451,994	995,938	
Office of Judicial Performance Evaluation	<u>828,755</u>	<u>805,379</u>	<u>843,835</u>	<u>853,713</u>	
FTE	2.0	2.0	2.0	2.0	
General Fund	314,500	314,500	314,500	314,500	
Cash Funds	514,255	490,879	529,335	539,213	
Family Violence Justice Grants	<u>2,670,000</u>	<u>2,670,000</u>	<u>2,670,000</u>	<u>2,670,000</u>	
General Fund	2,500,000	2,500,000	2,500,000	2,500,000	
Cash Funds	170,000	170,000	170,000	170,000	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Restorative Justice Programs	<u>1,000,842</u>	<u>1,122,932</u>	<u>1,125,298</u>	<u>1,128,022</u>	
FTE	1.0	1.0	1.0	1.0	
Cash Funds	1,000,842	1,122,932	1,125,298	1,128,022	
District Attorney Adult Pretrial Diversion Programs	<u>477,000</u>	<u>477,000</u>	<u>569,000</u>	<u>1,042,705</u>	*
General Fund	400,000	400,000	400,000	873,705	
Cash Funds	77,000	77,000	0	0	
Reappropriated Funds	0	0	169,000	169,000	
Family-friendly Court Program	<u>225,943</u>	<u>225,943</u>	<u>225,943</u>	<u>270,000</u>	*
FTE	0.5	0.5	0.5	0.0	
Cash Funds	225,943	225,943	225,943	270,000	
Child Support Enforcement	<u>114,719</u>	<u>114,719</u>	<u>114,719</u>	<u>114,719</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	39,005	39,005	39,005	39,005	
Reappropriated Funds	75,714	75,714	75,714	75,714	
Mental Health Criminal Justice Diversion Grant Program	<u>0</u>	<u>750,000</u>	<u>1,192,543</u>	<u>1,195,573</u>	
FTE	0.0	0.9	1.0	1.0	
General Fund	0	750,000	1,192,543	1,195,573	
Statewide Behavioral Health Court Liaison Program	<u>0</u>	<u>1,997,112</u>	<u>2,636,987</u>	<u>2,721,033</u>	*
FTE	0.0	0.9	1.0	2.0	
General Fund	0	1,997,112	2,636,987	2,721,033	
Compensation for Exonerated Persons	<u>768,968</u>	<u>2,304,980</u>	<u>0</u>	<u>0</u>	
General Fund	768,968	2,304,980	0	0	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Appropriation to the Eviction Legal Defense Fund	<u>0</u>	<u>0</u>	<u>750,000</u>	<u>750,000</u>	
General Fund	0	0	750,000	750,000	
Eviction Legal Defense Grant Program	<u>0</u>	<u>0</u>	<u>750,000</u>	<u>750,000</u>	
Cash Funds	0	0	750,000	750,000	
Capital Outlay	<u>4,703</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	4,703	0	0	0	
SUBTOTAL - (C) Centrally Administered Programs	66,189,793	72,340,949	77,085,957	73,757,421	(4.3%)
FTE	<u>196.3</u>	<u>205.1</u>	<u>208.3</u>	<u>202.4</u>	<u>(2.8%)</u>
General Fund	15,689,029	21,285,747	24,435,051	21,219,338	(13.2%)
Cash Funds	47,527,509	47,081,947	48,508,651	48,395,828	(0.2%)
Reappropriated Funds	2,973,255	3,973,255	4,142,255	4,142,255	0.0%
Federal Funds	0	0	0	0	0.0%

(D) Ralph L. Carr Colorado Judicial Center

and an annual appropriation for facility controlled maintenance needs. Cash funds are from the Justice Center Cash Fund. Reappropriated funds are transferred from Leased Space appropriations to the Judicial Branch and the Department of Law.

Personal Services	<u>1,606,098</u>	<u>1,619,081</u>	<u>1,627,201</u>	<u>1,635,939</u>	
FTE	2.0	2.0	2.0	2.0	
Cash Funds	1,606,098	1,619,081	1,627,201	1,635,939	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Operating Expenses	<u>3,988,004</u>	<u>4,026,234</u>	<u>4,026,234</u>	<u>4,026,234</u>	
Cash Funds	3,988,004	4,026,234	4,026,234	4,026,234	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Appropriation to the Justice Center Maintenance Fund	<u>0</u>	<u>0</u>	<u>4,600,000</u>	<u>1,500,000</u>	*
Cash Funds	0	0	4,600,000	1,500,000	
Justice Center Maintenance Fund Expenditures	<u>0</u>	<u>0</u>	<u>1,788,538</u>	<u>1,288,538</u>	*
Reappropriated Funds	0	0	1,788,538	1,288,538	
Debt Service Payments	<u>15,682,448</u>	<u>21,565,990</u>	<u>21,840,346</u>	<u>21,687,655</u>	*
General Fund	4,704,365	4,598,683	4,492,915	4,383,418	
Cash Funds	11,047,673	11,020,132	11,294,482	11,141,792	
Reappropriated Funds	(69,590)	5,947,175	6,052,949	6,162,445	
Controlled Maintenance	<u>0</u>	<u>2,025,000</u>	<u>0</u>	<u>0</u>	
Cash Funds	0	2,025,000	0	0	
SUBTOTAL - (D) Ralph L. Carr Colorado Judicial Center					
	21,276,550	29,236,305	33,882,319	30,138,366	(11.0%)
FTE	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	0.0%
General Fund	4,704,365	4,598,683	4,492,915	4,383,418	(2.4%)
Cash Funds	16,641,775	18,690,447	21,547,917	18,303,965	(15.1%)
Reappropriated Funds	(69,590)	5,947,175	7,841,487	7,450,983	(5.0%)
Federal Funds	0	0	0	0	0.0%
TOTAL - (2) Courts Administration					
	200,068,914	222,357,677	255,082,072	255,288,321	0.1%
FTE	<u>442.1</u>	<u>457.9</u>	<u>465.5</u>	<u>468.0</u>	0.5%
General Fund	107,260,361	121,660,033	141,316,525	145,358,239	2.9%
Cash Funds	87,195,274	88,145,339	99,198,352	95,753,391	(3.5%)
Reappropriated Funds	5,613,279	12,552,305	14,567,195	14,176,691	(2.7%)
Federal Funds	0	0	0	0	0.0%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(3) TRIAL COURTS

This section provides funding for the state trial courts, which consist of district courts in 22 judicial districts, water courts, and county courts. District courts: preside over felony criminal matters, civil claims, juvenile matters, and probate, mental health, and divorce proceedings; handle appeals from municipal and county courts; and review decisions of administrative boards and agencies. Water courts have exclusive jurisdiction over cases involving the determination of water rights and the use and administration of water. County courts: handle civil actions involving no more than \$15,000, misdemeanor cases, civil and criminal traffic infractions, and felony complaints; issue search warrants and protection orders in cases involving domestic violence; and hear municipal court appeals. Cash fund sources include the Judicial Stabilization Cash Fund, various court fees and cost recoveries, and the sale of jury pattern instructions. Reappropriated funds reflect federal funds transferred from the Departments of Public Safety and Human Services.

Trial Court Programs	<u>152,986,749</u>	<u>156,334,113</u>	<u>167,428,479</u>	<u>178,271,778</u> *
FTE	1,859.4	1,859.1	1,908.5	1,964.1
General Fund	121,904,189	125,198,525	136,180,556	146,596,547
Cash Funds	29,132,560	29,185,588	29,297,923	29,725,231
Reappropriated Funds	1,950,000	1,950,000	1,950,000	1,950,000
Court Costs, Jury Costs, and Court-appointed Counsel	<u>7,888,518</u>	<u>8,318,232</u>	<u>8,437,624</u>	<u>8,557,016</u>
General Fund	7,723,269	8,152,983	8,272,375	8,391,767
Cash Funds	165,249	165,249	165,249	165,249
District Attorney Mandated Costs	<u>2,484,770</u>	<u>2,559,313</u>	<u>2,661,686</u>	<u>2,771,537</u> *
General Fund	2,314,770	2,389,313	2,491,686	2,571,537
Cash Funds	170,000	170,000	170,000	200,000
ACTION and Statewide Discovery Sharing Systems	<u>3,240,000</u>	<u>3,240,000</u>	<u>3,240,000</u>	<u>3,240,000</u>
General Fund	3,170,000	3,170,000	3,170,000	3,170,000
Cash Funds	70,000	70,000	70,000	70,000

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Federal Funds and Other Grants	<u>2,900,000</u>	<u>2,900,000</u>	<u>2,900,000</u>	<u>2,900,000</u>	
FTE	13.0	13.0	13.0	13.0	
Cash Funds	975,000	975,000	975,000	975,000	
Reappropriated Funds	300,000	300,000	300,000	300,000	
Federal Funds	1,625,000	1,625,000	1,625,000	1,625,000	
TOTAL - (3) Trial Courts	169,500,037	173,351,658	184,667,789	195,740,331	6.0%
FTE	<u>1,872.4</u>	<u>1,872.1</u>	<u>1,921.5</u>	<u>1,977.1</u>	<u>2.9%</u>
General Fund	135,112,228	138,910,821	150,114,617	160,729,851	7.1%
Cash Funds	30,512,809	30,565,837	30,678,172	31,135,480	1.5%
Reappropriated Funds	2,250,000	2,250,000	2,250,000	2,250,000	0.0%
Federal Funds	1,625,000	1,625,000	1,625,000	1,625,000	0.0%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(4) PROBATION AND RELATED SERVICES

This section provides funding for: the supervision of offenders sentenced to probation; the preparation of presentence investigation reports for the courts; victim notification and assistance; and community outreach programs. This section also provides funding for the purchase of treatment and services for offenders on probation, as well as funding that is transferred to other state agencies to provide treatment for substance use disorder and co-occurring disorders for adult and juvenile offenders. Cash funds include: fees paid by offenders for supervision, treatment, and restitution; the Marijuana Tax Cash Fund; and various cost recoveries. Reappropriated funds include: spending authority for General Fund moneys that are appropriated to the Correctional Treatment Cash Fund; Victims and Witnesses Assistance and Law Enforcement funds transferred from the Trial Courts section; and funds transferred from other Departments.

Probation Programs	<u>84,543,930</u>	<u>86,423,825</u>	<u>93,087,643</u>	<u>99,041,398</u>	*
FTE	1,184.7	1,184.7	1,234.8	1,271.2	
General Fund	75,384,289	77,019,115	83,326,121	88,901,129	
Cash Funds	9,159,641	9,404,710	9,761,522	10,140,269	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Treatment and Services	<u>34,717,999</u>	<u>39,000,485 1.0</u>	<u>18,959,393 0.0</u>	<u>19,771,331 0.0</u>	*
General Fund	924,877	924,877	924,877	882,637	
Cash Funds	15,919,977	19,732,615	14,249,284	14,783,281	
Reappropriated Funds	17,873,145	18,342,993	3,785,232	4,105,413	
Appropriation to the Correctional Treatment Cash Fund	<u>16,984,804</u>	<u>17,154,652</u>	<u>17,326,198</u>	<u>17,412,829</u>	*
General Fund	15,413,076	15,567,207	15,722,879	15,801,493	
Cash Funds	1,571,728	1,587,445	1,603,319	1,611,336	
S.B. 91-94 Juvenile Services	<u>2,496,837</u>	<u>2,496,837</u>	<u>2,496,837</u>	<u>2,496,837</u>	
FTE	25.0	25.0	25.0	25.0	
Reappropriated Funds	2,496,837	2,496,837	2,496,837	2,496,837	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Correctional Treatment Cash Fund Expenditures	<u>0</u>	<u>0</u>	<u>24,968,728</u>	<u>25,276,422</u> *	
FTE	0.0	0.0	1.0	1.0	
Reappropriated Funds	0	0	24,968,728	25,276,422	
Reimbursements to Law Enforcement Agencies for the Costs of Returning a Probationer	<u>187,500</u>	<u>187,500</u>	<u>187,500</u>	<u>187,500</u>	
Cash Funds	187,500	187,500	187,500	187,500	
Victims Grants	<u>650,000</u>	<u>650,000</u>	<u>650,000</u>	<u>650,000</u>	
FTE	6.0	6.0	6.0	6.0	
Reappropriated Funds	650,000	650,000	650,000	650,000	
Federal Funds and Other Grants	<u>5,600,000</u>	<u>5,600,000</u>	<u>5,600,000</u>	<u>5,600,000</u>	
FTE	32.0	32.0	32.0	32.0	
Cash Funds	1,950,000	1,950,000	1,950,000	1,950,000	
Reappropriated Funds	850,000	850,000	850,000	850,000	
Federal Funds	2,800,000	2,800,000	2,800,000	2,800,000	
Indirect Cost Assessment	<u>935,966</u>	<u>1,065,622</u>	<u>691,864</u>	<u>691,864</u>	
Cash Funds	935,966	1,065,622	691,864	691,864	
TOTAL - (4) Probation and Related Services	146,117,036	152,578,921	163,968,163	171,128,181	4.4%
FTE	<u>1,247.7</u>	<u>1,248.7</u>	<u>1,298.8</u>	<u>1,335.2</u>	2.8%
General Fund	91,722,242	93,511,199	99,973,877	105,585,259	5.6%
Cash Funds	29,724,812	33,927,892	28,443,489	29,364,250	3.2%
Reappropriated Funds	21,869,982	22,339,830	32,750,797	33,378,672	1.9%
Federal Funds	2,800,000	2,800,000	2,800,000	2,800,000	0.0%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(5) OFFICE OF THE STATE PUBLIC DEFENDER

This independent agency provides legal counsel for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. Cash funds consist of training fees paid by private attorneys and grants.

Personal Services	<u>61,336,716</u>	<u>67,258,601</u>	<u>70,501,132</u>	<u>82,302,270</u>	*
FTE	809.1	869.5	888.8	962.4	
General Fund	61,336,716	67,258,601	70,501,132	82,302,270	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>6,781,728</u>	<u>7,657,623</u>	<u>8,694,528</u>	<u>9,621,373</u>	*
General Fund	6,781,728	7,657,623	8,694,528	9,621,373	
Short-term Disability	<u>104,089</u>	<u>102,322</u>	<u>115,983</u>	<u>125,412</u>	*
General Fund	104,089	102,322	115,983	125,412	
S.B. 04-257 Amortization Equalization Disbursement	<u>2,739,179</u>	<u>3,009,481</u>	<u>3,406,851</u>	<u>3,682,296</u>	*
General Fund	2,739,179	3,009,481	3,406,851	3,682,296	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>2,739,179</u>	<u>3,009,481</u>	<u>3,406,851</u>	<u>3,682,296</u>	*
General Fund	2,739,179	3,009,481	3,406,851	3,682,296	
Salary Survey	<u>1,043,828</u>	<u>1,876,280</u>	<u>4,539,548</u>	<u>0</u>	
General Fund	1,043,828	1,876,280	4,539,548	0	
Merit Pay	<u>447,355</u>	<u>0</u>	<u>2,185,039</u>	<u>1,528,585</u>	
General Fund	447,355	0	2,185,039	1,528,585	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Operating Expenses	<u>1,846,295</u>	<u>1,832,513</u>	<u>1,902,463</u>	<u>1,927,608</u>	*
General Fund	1,846,295	1,802,513	1,872,463	1,897,608	
Cash Funds	0	30,000	30,000	30,000	
Vehicle Lease Payments	<u>98,340</u>	<u>112,338</u>	<u>121,872</u>	<u>110,092</u>	
General Fund	98,340	112,338	121,872	110,092	
Capital Outlay	<u>118,775</u>	<u>296,289</u>	<u>108,469</u>	<u>458,800</u>	*
General Fund	118,775	296,289	108,469	458,800	
Leased Space/Utilities	<u>6,450,639</u>	<u>6,966,417</u>	<u>7,141,257</u>	<u>8,019,383</u>	*
General Fund	6,450,639	6,966,417	7,141,257	8,019,383	
Automation Plan	<u>1,876,772</u>	<u>1,579,678</u>	<u>1,662,802</u>	<u>2,242,194</u>	*
General Fund	1,876,772	1,579,678	1,662,802	2,242,194	
Attorney Registration	<u>137,710</u>	<u>146,944</u>	<u>149,794</u>	<u>156,824</u>	*
General Fund	137,710	146,944	149,794	156,824	
Contract Services	<u>31,962</u>	<u>49,395</u>	<u>49,395</u>	<u>49,395</u>	
General Fund	31,962	49,395	49,395	49,395	
Mandated Costs	<u>3,441,814</u>	<u>3,381,431</u>	<u>3,381,431</u>	<u>3,813,143</u>	*
General Fund	3,441,814	3,381,431	3,381,431	3,813,143	
Grants	<u>112,710</u>	<u>175,000</u>	<u>25,000</u>	<u>25,000</u>	
FTE	0.0	2.3	0.3	0.3	
Cash Funds	112,710	175,000	25,000	25,000	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Parental Leave	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
TOTAL - (5) Office of the State Public Defender	89,307,091	97,453,793	107,392,415	117,744,671	9.6%
<i>FTE</i>	<u>809.1</u>	<u>871.8</u>	<u>889.1</u>	<u>962.7</u>	<u>8.3%</u>
General Fund	89,194,381	97,248,793	107,337,415	117,689,671	9.6%
Cash Funds	112,710	205,000	55,000	55,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL

This independent agency provides legal representation for indigent defendants in cases where the State Public Defender is precluded from doing so because of an ethical conflict of interest. Cash funds are received from private attorneys and investigators for training.

Personal Services	<u>1,634,731</u>	<u>1,374,459</u>	<u>1,600,296</u>	<u>1,917,637</u>	*
FTE	12.0	13.0	14.0	17.0	
General Fund	1,634,731	1,374,459	1,600,296	1,917,637	
Health, Life, and Dental	<u>163,134</u>	<u>185,370</u>	<u>208,622</u>	<u>257,673</u>	*
General Fund	163,134	185,370	208,622	257,673	
Short-term Disability	<u>2,293</u>	<u>2,195</u>	<u>2,773</u>	<u>3,237</u>	*
General Fund	2,293	2,195	2,773	3,237	
S.B. 04-257 Amortization Equalization Disbursement	<u>60,339</u>	<u>64,513</u>	<u>88,118</u>	<u>101,833</u>	*
General Fund	60,339	64,513	88,118	101,833	
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>60,339</u>	<u>64,513</u>	<u>88,118</u>	<u>101,833</u>	*
General Fund	60,339	64,513	88,118	101,833	
Merit Pay	<u>9,137</u>	<u>0</u>	<u>47,462</u>	<u>36,811</u>	
General Fund	9,137	0	47,462	36,811	
Operating Expenses	<u>102,405</u>	<u>108,619</u>	<u>221,300</u>	<u>181,395</u>	*
General Fund	102,405	108,619	221,300	181,395	
Capital Outlay	<u>0</u>	<u>3,473</u>	<u>3,473</u>	<u>21,600</u>	*
General Fund	0	3,473	3,473	21,600	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Training and Conferences	<u>100,000</u>	<u>100,000</u>	<u>120,000</u>	<u>100,000</u>	
General Fund	20,000	20,000	40,000	20,000	
Cash Funds	80,000	80,000	80,000	80,000	
Conflict-of-interest Contracts	<u>31,495,953</u>	<u>39,011,564</u>	<u>42,654,216</u>	<u>48,970,758</u>	*
General Fund	31,495,953	39,011,564	42,654,216	48,970,758	
Mandated Costs	<u>2,032,273</u>	<u>2,604,305</u>	<u>2,922,390</u>	<u>3,191,879</u>	*
General Fund	2,032,273	2,604,305	2,922,390	3,191,879	
Municipal Court Program	<u>0</u>	<u>124,263</u>	<u>202,593</u>	<u>202,306</u>	
FTE	0.0	0.8	1.9	2.0	
General Fund	0	124,263	202,593	202,306	
Salary Survey	<u>119,297</u>	<u>40,141</u>	<u>0</u>	<u>0</u>	
General Fund	119,297	40,141	0	0	
Parental Leave	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
TOTAL - (6) Office of the Alternate Defense Counsel	35,779,901	43,683,415	48,159,361	55,086,962	14.4%
<i>FTE</i>	<u>12.0</u>	<u>13.8</u>	<u>15.9</u>	<u>19.0</u>	<u>19.5%</u>
General Fund	35,699,901	43,603,415	48,079,361	55,006,962	14.4%
Cash Funds	80,000	80,000	80,000	80,000	0.0%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(7) OFFICE OF THE CHILD'S REPRESENTATIVE

This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters.

Personal Services	<u>2,676,361</u>	<u>2,716,585</u>	<u>3,142,543</u>	<u>3,420,403</u>	*
FTE	29.5	31.0	33.0	34.4	
General Fund	2,676,361	2,716,585	3,142,543	3,420,403	
Health, Life, and Dental	<u>226,640</u>	<u>254,276</u>	<u>296,430</u>	<u>389,689</u>	*
General Fund	226,640	254,276	296,430	389,689	
Short-term Disability	<u>4,254</u>	<u>4,146</u>	<u>4,754</u>	<u>5,251</u>	*
General Fund	4,254	4,146	4,754	5,251	
S.B. 04-257 Amortization Equalization Disbursement	<u>111,957</u>	<u>122,911</u>	<u>140,802</u>	<u>156,297</u>	*
General Fund	111,957	122,911	140,802	156,297	
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>111,957</u>	<u>122,911</u>	<u>140,802</u>	<u>156,297</u>	*
General Fund	111,957	122,911	140,802	156,297	
Merit Pay	<u>17,245</u>	<u>0</u>	<u>82,847</u>	<u>64,107</u>	
General Fund	17,245	0	82,847	64,107	
Operating Expenses	<u>252,316</u>	<u>215,775</u>	<u>327,072</u>	<u>318,514</u>	*
General Fund	252,316	215,775	327,072	278,514	
Reappropriated Funds	0	0	0	40,000	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Leased Space	<u>92,556</u>	<u>128,952</u>	<u>128,952</u>	<u>128,952</u>	
General Fund	92,556	128,952	128,952	128,952	
CASA Contracts	<u>1,050,000</u>	<u>1,550,000</u>	<u>1,550,000</u>	<u>1,550,000</u>	
General Fund	1,050,000	1,550,000	1,550,000	1,550,000	
Training	<u>39,254</u>	<u>38,000</u>	<u>58,000</u>	<u>78,000</u>	*
General Fund	39,254	38,000	58,000	78,000	
Court-appointed Counsel	<u>20,983,922</u>	<u>24,055,775</u>	<u>25,340,543</u>	<u>28,656,617</u>	*
General Fund	20,983,922	24,055,775	25,340,543	27,214,715	
Reappropriated Funds	0	0	0	1,441,902	
Mandated Costs	<u>60,074</u>	<u>30,200</u>	<u>60,200</u>	<u>60,200</u>	
General Fund	60,074	30,200	60,200	60,200	
Grants	<u>48,559</u>	<u>26,909</u>	<u>26,909</u>	<u>26,909</u>	
Reappropriated Funds	48,559	26,909	26,909	26,909	
Salary Survey	<u>45,454</u>	<u>74,854</u>	<u>0</u>	<u>0</u>	
General Fund	45,454	74,854	0	0	
Parental Leave	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
TOTAL - (7) Office of the Child's Representative	25,720,549	29,341,294	31,299,854	35,011,236	11.9%
FTE	<u>29.5</u>	<u>31.0</u>	<u>33.0</u>	<u>34.4</u>	4.2%
General Fund	25,671,990	29,314,385	31,272,945	33,502,425	7.1%
Reappropriated Funds	48,559	26,909	26,909	1,508,811	5507.1%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

This independent agency provides legal representation for indigent parents involved in dependency and neglect proceedings. Cash funds are received from private attorneys for training.

Personal Services	<u>1,120,116</u>	<u>1,221,878</u>	<u>1,485,089</u>	<u>1,911,049</u>	*
FTE	10.0	10.0	13.0	15.0	
General Fund	1,120,116	1,221,878	1,485,089	1,911,049	
Health, Life, and Dental	<u>84,338</u>	<u>93,928</u>	<u>159,549</u>	<u>191,026</u>	*
General Fund	84,338	93,928	159,549	191,026	
Short-term Disability	<u>1,611</u>	<u>1,665</u>	<u>2,058</u>	<u>2,936</u>	*
General Fund	1,611	1,665	2,058	2,936	
S.B. 04-257 Amortization Equalization Disbursement	<u>42,397</u>	<u>48,978</u>	<u>62,772</u>	<u>85,123</u>	*
General Fund	42,397	48,978	62,772	85,123	
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>42,397</u>	<u>48,978</u>	<u>62,772</u>	<u>85,123</u>	*
General Fund	42,397	48,978	62,772	85,123	
Salary Survey	<u>17,159</u>	<u>31,841</u>	<u>0</u>	<u>30,335</u>	
General Fund	17,159	31,841	0	30,335	
Merit Pay	<u>7,354</u>	<u>0</u>	<u>34,215</u>	<u>0</u>	
General Fund	7,354	0	34,215	0	
Operating Expenses	<u>79,678</u>	<u>103,119</u>	<u>104,899</u>	<u>143,843</u>	*
General Fund	79,678	103,119	104,899	143,843	

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Title IV-E Legal Representation	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,528,038</u>	*
Reappropriated Funds	0	0	0	4,528,038	
Training	<u>29,183</u>	<u>60,000</u>	<u>60,000</u>	<u>106,000</u>	*
General Fund	29,183	30,000	30,000	58,000	
Cash Funds	0	30,000	30,000	48,000	
Court-appointed Counsel	<u>13,523,625</u>	<u>17,576,705</u>	<u>17,576,705</u>	<u>20,418,699</u>	*
General Fund	13,523,625	17,576,705	17,576,705	20,418,699	
Mandated Costs	<u>1,091,001</u>	<u>1,290,122</u>	<u>1,290,122</u>	<u>1,801,891</u>	*
General Fund	1,091,001	1,290,122	1,290,122	1,801,891	
Grants	<u>31,095</u>	<u>31,095</u>	<u>31,095</u>	<u>31,095</u>	
Reappropriated Funds	31,095	31,095	31,095	31,095	
Parental Leave	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Legal Services	<u>2,131</u>	<u>1,864</u>	<u>0</u>	<u>0</u>	
General Fund	2,131	1,864	0	0	
TOTAL - (8) Office of the Respondent Parents'					
Counsel	16,072,085	20,510,173	20,869,276	29,335,158	40.6%
FTE	<u>10.0</u>	<u>10.0</u>	<u>13.0</u>	<u>15.0</u>	<u>15.4%</u>
General Fund	16,040,990	20,449,078	20,808,181	24,728,025	18.8%
Cash Funds	0	30,000	30,000	48,000	60.0%
Reappropriated Funds	31,095	31,095	31,095	4,559,133	14561.9%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(9) OFFICE OF THE CHILD PROTECTION OMBUDSMAN

This independent agency investigates complaints and reviews issues raised relating to child protection services, policies, and procedures, and makes recommendations to improve services and promote better outcomes for children and families receiving child protection services.

Program Costs	<u>731,833</u>	<u>980,397</u>	<u>990,918</u>	<u>1,092,070</u> *	
FTE	6.0	8.0	8.0	8.0	
General Fund	731,833	980,397	990,918	1,092,070	
Legal Services	<u>8,525</u>	<u>13,631</u>	<u>0</u>	<u>0</u>	
General Fund	8,525	13,631	0	0	

TOTAL - (9) Office of the Child Protection					
Ombudsman	740,358	994,028	990,918	1,092,070	10.2%
FTE	<u>6.0</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>0.0%</u>
General Fund	740,358	994,028	990,918	1,092,070	10.2%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(10) INDEPENDENT ETHICS COMMISSION

This independent agency is charged with hearing complaints, issuing findings, assessing penalties, and issuing advisory opinions on ethics issues that arise concerning public officers, members of the General Assembly, local government officials, or government employees.

Program Costs	<u>171,415</u>	<u>198,696</u>	<u>204,709</u>	<u>209,361</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	171,415	198,696	204,709	209,361	
Legal Services	<u>155,578</u>	<u>141,700</u>	<u>0</u>	<u>0</u>	
General Fund	155,578	141,700	0	0	
TOTAL - (10) Independent Ethics Commission	326,993	340,396	204,709	209,361	2.3%
<i>FTE</i>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	0.0%
General Fund	326,993	340,396	204,709	209,361	2.3%

Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

(11) OFFICE OF PUBLIC GUARDIANSHIP

Program Costs	<u>0</u>	<u>0</u>	<u>835,386</u>	<u>673,810</u>	
FTE	0.0	0	4.5	6.0	
General Fund	0	0	427,000	265,424	
Cash Funds	0	0	408,386	408,386	

TOTAL - (11) Office of Public Guardianship	0	0	835,386	673,810	(19.3%)
FTE	<u>0.0</u>	<u>0</u>	<u>4.5</u>	<u>6.0</u>	<u>33.3%</u>
General Fund	0	0	427,000	265,424	(37.8%)
Cash Funds	0	0	408,386	408,386	0.0%

TOTAL - Judicial Department	709,605,147	768,866,501	840,523,801	889,428,960	5.8%
FTE	<u>4,646.3</u>	<u>4,744.8</u>	<u>4,869.8</u>	<u>5,045.9</u>	<u>3.6%</u>
General Fund	516,187,843	560,939,077	616,134,492	660,340,291	7.2%
Cash Funds	159,106,492	166,229,388	170,265,416	168,717,465	(0.9%)
Reappropriated Funds	29,885,812	37,273,036	49,698,893	55,946,204	12.6%
Federal Funds	4,425,000	4,425,000	4,425,000	4,425,000	0.0%

APPENDIX B

RECENT LEGISLATION AFFECTING DEPARTMENT BUDGET

2018 SESSION BILLS

S.B. 18-056 (CIVIL JURISDICTION OF COUNTY COURTS AND FILING FEES): Increases the claim amount for when a case may be filed in county court from \$15,000 to \$25,000 and changes county and district court filing fees. Establishes six fees ranging from \$80 to \$135 for county court filings in place of the current uniform \$97 fee. Raises the district court filing fee from \$224 to \$235.

S.B. 18-203 (CONFLICT FREE REPRESENTATION IN MUNICIPAL COURTS): Requires municipal courts to provide legal defense that is independent of the court by January 1, 2020 for each indigent defendant charged with a crime that has a possible sentence of incarceration. This defense is to be overseen by the municipality, but must be provided by a nonpartisan entity. The Office of the Alternate Defense Counsel (OADC) or any Colorado law school legal aid clinic that is accredited by the American Bar Association (ABA) is authorized to provide or evaluate independent defense. Includes a FY 2018-19 appropriation of \$124,263 General Fund and 0.8 FTE to the Office of the Alternate Defense Counsel.

S.B. 18-249 (MENTAL HEALTH CRIMINAL JUSTICE DIVERSION GRANT PROGRAM): Establishes within the Office of the State Court Administrator the Mental Health Criminal Justice Diversion Grant Program to support up to four pre-plea local-level mental health pilot programs. These programs will divert individuals with mental health conditions who have been charged with low-level criminal offenses out of the criminal justice system into community treatment programs. Appropriates \$750,000 General Fund to the Judicial Department for FY 2018-19, and states the assumption that the Department will require an additional 0.9 FTE.

S.B. 18-251 (STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM): Establishes within the Office of the State Court Administrator the Statewide Behavioral Health Court Liaison Program. The program will allocate funding to each judicial district to contract with local behavioral health professionals to facilitate communication and collaboration between judicial and behavioral health systems and promote positive outcomes for individuals living with mental health or co-occurring behavioral health conditions. Appropriates \$1,997,112 General Fund to the Department for FY 2018-19, and states the assumption that the Department will require an additional 0.9 FTE.

S.B. 18-267 (CREATE JUSTICE CENTER MAINTENANCE FUND): Creates a maintenance fund for controlled maintenance of the Carr Justice Center and specifies how moneys will be appropriated to and from the account.

H.B. 18-1156 (LIMIT PENALTIES FOR JUVENILE TRUANCY): Restricts courts from placing habitually truant children in a juvenile detention facility for truancy and generally changes the ways in which courts can respond to truancy. Explicitly allows S.B. 91-094 funding to be used to provide services to habitually truant youth.

H.B. 18-1163 (SUPPLEMENTAL BILL): Modifies FY 2017-18 appropriations to the Department.

H.B. 18-1176 (REAUTHORIZE OFFENDER REENTRY GRANT PROGRAM): Continues for 5 years the offender reentry grant program operated by the Department of Corrections. For FY 2018-19 makes a one-time appropriation of \$3,286,000 from the Correctional Treatment Cash Fund to the Department and a one-time reappropriation of this amount to the Department of Corrections. For more information, see the corresponding bill description in the "Recent Legislation" section of the Department of Corrections.

H.B. 18-1322 (Long Bill): General appropriations act for FY 2018-19.

H.B. 18-1353 (DEFENSE COUNSEL ON FIRST APPEARANCE GRANT PROGRAM): Creates the Defense Counsel on First Appearance Grant Program in the Department of Local Affairs to reimburse local governments for costs associated with the provision of defense counsel to defendants at their first appearances in municipal courts. For more information, see the "Recent Legislation" section of Part III for the Department of Local Affairs.

2019 SESSION BILLS

S.B. 19-030 (REMEDYING IMPROPER GUILTY PLEAS): Allows a defendant who is an immigrant and who has successfully completed a deferred judgment and sentence to petition the court for an order vacating the defendant's guilty plea on the grounds that they were not properly advised of the adverse immigration consequences of their plea. The court must grant the motion unless the prosecution can prove by a preponderance of the evidence that the defendant will not suffer an immigration consequence or that the plea was constitutionally entered. For FY 2019-20 appropriates \$543,461 General Fund and 4.8 FTE to the Judicial Department and appropriates \$55,139 General Fund and 0.6 FTE to the Department of Law.

S.B. 19-036 (STATE COURT ADMINISTRATOR REMINDER PROGRAM): Establishes a reminder program in at least four judicial district courts, beginning January 1, 2020, which will remind defendants to appear at their scheduled court appearances. The program, which is to be operated by a vendor under contract with the Judicial Department, expands to all eligible courts by July 1, 2020. For FY 2018-19, appropriates \$203,612 General Fund to the Department.

S.B. 19-043 (INCREASING NUMBER OF DISTRICT COURT JUDGES): Increases the number of district court judges according to the following schedule.

JUDICIAL DISTRICT	COUNTIES	NUMBER OF NEW JUDGESHIPS STARTING JULY 1, 2019	NUMBER OF NEW JUDGESHIPS STARTING JANUARY 1, 2020
1st	Jefferson, Gilpin	0	1
2nd	Denver	2	2
4th	El Paso, Teller	1	1
8th	Larimer, Jackson,	0	1
10th	Pueblo	1	0
13th	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	1	0
17th	Adams, Broomfield	0	1
18th	Arapahoe, Douglas, Elbert, Lincoln	0	1
19th	Weld	1	1
21st	Mesa	1	0
TOTAL		7	8

For FY 2019-20 appropriates \$7,417,731 General Fund and 53.7 FTE to the Department.

S.B. 19-108 (JUVENILE JUSTICE REFORM): Establishes the Juvenile Justice Reform Committee, which will develop screening and assessment tools for use in the juvenile justice system. Establishes a graduated system of responses and incentives for juvenile parolees and probationers. For FY 2019-20, appropriates \$68,598 General Fund and 0.8 FTE to the Department and appropriates a total of \$506,315 General Fund to the Department of Human Services and the Legislative Department.

S.B. 19-115 (JUDICIAL SUPPLEMENTAL): Modifies FY 2018-19 appropriations to the Department.

S.B. 19-180 (EVICTION LEGAL DEFENSE FUND): Creates the Eviction Legal Defense Fund, from which grants are to be awarded to nonprofit organizations that provide legal advice, counseling, and representation to indigent clients facing or at risk of eviction. For FY 2019-20, appropriates \$750,000 General Fund to the Eviction Legal Defense Fund and then reappropriates this amount to the Judicial Department.

S.B. 19-191 (PROMPT PRETRIAL LIBERTY AND FAIRNESS): Requires each judicial district to develop a plan to set bond for in-custody defendants within 48 hours of arrest. Requires the Judicial Department to determine the cost of implementing these plans and report to the General Assembly by November 1, 2019. Regardless of this report, requires sheriffs, within two hours of receiving bond information from the court, to allow bond to be posted by defendants, sureties, or others. Limits bond processing fees and other costs. Requires jails to release defendants within 4 hours after the defendant is present in the jail and bond has been posted. Extends the 4-hour release period to 24 hours if the defendant is fitted with an electronic monitor. Under prior law, if the defendant owed court costs, fees, fines, restitution, or surcharges at the time of discharge from all liability under the bond, the court could sometimes order that the bond be applied to pay these obligations. The bill reduces the circumstances under which a court can make such orders, which reduces revenue collected by the Department.

S.B. 19-207 (LONG BILL): General appropriations act for FY 2019-20. Reduces the FY 2018-19 net General Fund appropriation to the Judicial Department by \$106,572.

S.B. 19-211 (MENTAL HEALTH CRIMINAL DIVERSION PROGRAM): Extends the Mental Health Criminal Justice Diversion pilot program, which operates in four judicial districts, until 2022; eliminates the \$750,000 cap on total grant awards; and requires the Judicial Department to submit reports to the General Assembly on the pilot program. For FY 2019-20, appropriates \$442,543 General Fund to the Judicial Department.

S.B. 19-223 (ACTIONS RELATED TO COMPETENCY TO PROCEED): Makes various changes to the process when a defendant's competency to proceed is raised in a criminal proceeding, including the following:

- Shortens the times frames for several actions related to competency evaluations, competency restoration services, and related court hearings. Reduces the maximum time period that a defendant determined incompetent to proceed may be detained.
- Expands the information that must be included in competency evaluation reports. Requires the Department of Human Services (DHS) to create a committee of clinical experts to create a

guideline to be used by all competency evaluators when determining the correct clinical location for competency restoration services. Limits the circumstances under which the court may order an *inpatient* competency evaluation.

- Modifies the court's options when a defendant is determined to be incompetent to proceed to trial, including options to initiate civil commitment proceedings, order outpatient restoration services unless inpatient restoration is recommended, require outpatient pretrial management services and care management services, and dismiss the charges.
- If a defendant is determined to be incompetent to proceed and outpatient restoration services are available and clinically appropriate, requires DHS to notify the court and court liaison and develop a discharge plan. For defendants ordered to undergo inpatient restoration services, requires DHS to offer services based on their level of need. Allows DHS to move a defendant receiving inpatient restoration services to a less restrictive facility.
- When a defendant is restored to competency and returned to county jail or the community, requires DHS to coordinate with other agencies to ensure the defendant receives ongoing services and medication. Directs DHS, subject to available appropriations, to require county jails to assist in the provision of interim mental health services for individuals who have been ordered to undergo inpatient competency restoration and are awaiting admission to an inpatient bed.
- Requires DHS, with assistance from the Judicial Department, to develop an electronic system to track the status of defendants ordered to undergo competency evaluation or restoration and the cost of inpatient and outpatient services.
- Requires DHS to create a partnership with an accredited higher education institution to develop and provide rigorous evaluation training. Requires the Judicial Department, the Office of the State Public Defender, the Alternate Defense Counsel, and district attorneys to train attorneys and other employees on juvenile and adult competency evaluation reports, restoration services, and certification proceedings and to report annually to the General Assembly on this training.

The following table summarizes the appropriations and appropriation changes that are included in the act.

S.B. 19-223 APPROPRIATIONS			
	GENERAL FUND	REAPPROPRIATED FUNDS	FTE
Department of Human Services			
Fines, liquidated damages, costs, or attorney fees for non-compliance with the consent decree	\$10,483,000		
Compensation for the Special Master pursuant to the consent decree	500,000		
Community transition services (anticipated reversion)	(2,150,000)		
Rural co-occurring disorder services (anticipated reversion)	(1,375,000)		
Jail-based behavioral health services (anticipated reversion)	(1,000,000)		
TOTAL: FY 2018-19	(\$6,458,000)		
Department of Human Services	\$8,141,194		19.0
Judicial Department	750,570		5.4
Department of Law	50,000	139,901	0.8
Governor's Office of Information Technology Services		454,539	0.9
TOTAL: FY 2019-20	\$8,941,764	\$594,440	26.1

H.B. 19-1045 (OFFICE OF PUBLIC GUARDIANSHIP): Requires the Office of Public Guardianship to begin operating a pilot program in the Second Judicial District (Denver) as soon as it receives sufficient appropriations to do so. Requires the Office to report to the General Assembly by January

1, 2023 and repeals the Office on December 31, 2023 if the program is not continued or expanded by the General Assembly during the 2023 session. Increases probate fees beginning July 1, 2019 and deposits the additional revenue in the Office of Public Guardianship Cash Fund, which is created by the bill. For FY 2019-20, appropriates \$835,386 and 4.5 FTE to the Office, comprised of \$427,000 General Fund and \$408,386 cash funds. Of this appropriation, \$50,000 is reappropriated to the Department of Law for the provision of legal services.

H.B. 19-1128 (LOTTERY INTERCEPTS): Allows lottery winnings to be intercepted for the payment of outstanding court fines, fees, costs, or surcharges. Specifies that lottery winnings should first be applied to offset child support debt, arrearages, or child support costs. The remaining lottery winnings are applied to outstanding restitution, fines, fees, costs, or surcharges. Beginning in FY 2019-20, the state is projected to see a revenue increase of \$61,500 credited to the Fines Collection Cash Fund and various other cash funds in the Judicial Department.

H.B. 19-1177 (EXTREME RISK PROTECTION ORDERS): Creates procedures for courts to require an individual to surrender any firearms in his or her possession until the order expires or is terminated if the person is found to pose a significant risk of causing personal injury to themselves or others. When a petition for such an extreme risk protection order is filed, the court must appoint and pay for an attorney to represent the respondent unless the respondent elects to select and pay for their own attorney. For FY 2019-20, appropriates \$119,392 General Fund to the Judicial Department.

H.B. 19-1205 (REIMBURSE EXPENSES OF RESTORATIVE JUSTICE COUNCIL): Allows members of the Restorative Justice Coordinating Council to receive reimbursement for expenses incurred while serving on the council. Though expenditures from the Restorative Justice Cash Fund are expected to increase \$10,000 per year on a continuing basis, no appropriation is required because grants from the Fund will be reduced by an offsetting amount.

H.B. 19-1225 (NO MONETARY BAIL FOR CERTAIN LOW-LEVEL OFFENSES): Prohibits the use of monetary bonds for any defendant charged with a petty offense, traffic offense, or a comparable municipal offense. The use of monetary bond as part of a local pretrial release is allowed, if the defendant is informed that they are entitled to release on a non-monetary (personal recognizance) bond if he or she waits for the required bond hearing. Monetary bond conditions may be used for a defendant who fails to appear in court or violates a condition of their release on bond.

H.B. 19-1229 (ELECTRONIC PRESERVATION OF ABANDONED ESTATE DOCUMENTS): Requires the Judicial Department to electronically preserve abandoned estate planning documents. Establishes a procedure for determining that documents are abandoned. Allows the Department to set and collect fees once the system is operating. Because the act does not take effect until January 2021, it is expected to require a General Fund appropriation of \$153,376 in FY 2020-21 and a cash fund appropriation of \$67,653 in FY 2021-22.

H.B. 19-1263 (OFFENSE LEVEL FOR CONTROLLED SUBSTANCE POSSESSION): Reclassifies several existing drug felonies as drug misdemeanors, reduces the fine penalties and jail terms for drug misdemeanors, and makes several other changes to sentencing for drug offenses. Creates a grant program to fund drug courts and a substance use and mental-health treatment grant program. Increases the net General Fund appropriation to the Judicial Department by \$74,409 and increases net FTE by 0.4.

H.B. 19-1275 (INCREASED ELIGIBILITY FOR CRIMINAL RECORD SEALING): Repeals and reenacts with modifications statutes related to sealing criminal records, such as records of arrest and conviction. Makes it possible in most cases to seal records at less cost to the defendant than the cost under prior law. For FY 2019-20, appropriates \$47,361 cash funds and 0.8 FTE to the Department and appropriates \$443,847 cash funds and 6.6 FTE to the Department of Public Safety.

H.B. 19-1282 (COURT APPOINTED SPECIAL ADVOCATE PROGRAM OVERSIGHT): Requires the Office of the Child's Representative (OCR) to contract with a nonprofit state-court-appointed special advocate (CASA) entity and provide funding to the entity for allocation to local CASA programs. The state CASA entity must annually provide the OCR with (1) the formula it will use to allocate money to local CASA programs, and (2) a report on all CASA activities.

H.B. 19-1310 (INTEREST ON ORDERS OF RESTITUTION): Specifies that interest on restitution orders does not accrue in juvenile cases where the defendant is under 21 and in criminal cases where the defendant is incarcerated in a correctional facility operated by or under contract with the Department of Corrections. Lowers the interest rate on restitution orders to 8 percent if the rate is currently 12 percent. For FY 2019-20, appropriates \$220,480 cash funds to the Judicial Department.

H.B. 19-1316 (MODERNIZING MARRIAGE LAWS FOR MINORS): Sets the minimum age for marriage at 16 and requires judicial approval of any marriage where a party is under 18. Appropriates \$59,850 General Fund to the Office of the Child's Representative in the Judicial Department.

APPENDIX C

FOOTNOTES AND INFORMATION REQUESTS

The following Long Bill footnotes and Requests for Information (RFI) relate to the Judicial Branch and are included in this Appendix:

Applicable to Multiple Agencies Within Judicial Branch

Footnote #54 – Compensation for justices, judges, the State Public Defender, the Alternate Defense Counsel, the Executive Director of the Office of the Child's Representative, and the Executive Director of the Office of the Respondent Parents' Counsel

Judicial

None

Probation

Footnote #55 – State funding for veterans treatment courts

Footnote #56 – Description of transfer from Correctional Treatment Cash Fund

Statewide RFI #1 – Cash funds utilized by multiple state agencies

Judicial RFI #2 – Recidivism rates

Judicial RFI #4 – Offender Treatment and Services Expenditures

Office of the State Public Defender

Footnote #57 – Authority to transfer funds between line item appropriations

Judicial RFI #1 – Appellate case backlog

Office of the Alternate Defense Counsel

Footnote #58 – Authority to transfer funds between line item appropriations

Office of the Child's Representative

Footnote #59 – Authority to transfer funds between line item appropriations

Footnote #60 – Funding for CASA criminal history record checks.

Office of the Respondent Parents' Counsel

Footnote #61 – Authority to transfer funds between line item appropriations

District Attorneys

Judicial RFI #3 – State funding for district attorney mandated costs

UPDATE ON LONG BILL FOOTNOTES

- 54 Judicial Department, Supreme Court and Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Office of the State Public Defender, Personal Services; Office of the Alternate Defense Counsel, Personal Services; Office of the Child's Representative, Personal Services; Office of the Respondent Parents' Counsel, Personal Services -- In accordance with Section 13-30-104 (3), C.R.S., funding is provided for judicial compensation, as follows:

	<u>FY 2018-19</u>		<u>FY 2019-20</u>
	<u>Salary</u>	<u>Increase</u>	<u>Salary</u>
Chief Justice, Supreme Court	\$186,656	\$5,600	\$192,256
Associate Justice, Supreme Court	182,671	5,480	188,151
Chief Judge, Court of Appeals	179,453	5,384	184,837
Associate Judge, Court of Appeals	175,434	5,263	180,697
District Court Judge, Denver Juvenile Court Judge, and Denver Probate Court Judge	168,202	5,046	173,248
County Court Judge	160,966	4,829	165,795

Funding is also provided in the Long Bill to maintain the salary of the State Public Defender at the level of an associate judge of the Court of Appeals, and to maintain the salaries of the Alternate Defense Counsel, the Executive Director of the Office of the Child's Representative, and the Director of the Office of the Respondent Parents' Counsel at the level of a district court judge.

COMMENT: For FY 2019-20 the Department awarded salary increases that conform with the increases in the table above, which equal 3.0 percent.

Background: Precursors of this footnote first appeared in the FY 1999-00 Long Bill. Sections 13-30-103 and 104, C.R.S., established judicial salaries for various fiscal years during the 1990s [through H.B. 98-1238]. These provisions state that any salary increases above those set forth in statute "shall be determined by the general assembly as set forth in the annual general appropriations bill." The General Assembly annually establishes judicial salaries through this Long Bill footnote. The footnote also establishes the salaries for the individuals who head four of the independent judicial agencies by tying them to specific judicial salaries.

Implications for elected official salaries. Senate Bill 15-288, which modified Sections 2-2-307, 24-9-101, and 30-2-102, C.R.S., replaced the existing fixed dollar salaries listed in statute for certain state and legislative offices with a new method that set those salaries equal to percentages of the January 20, 2019 salaries of designated judicial officers. The resulting January 2019 salaries are given in the following table.

SALARIES OF SELECTED STATE OFFICIALS PER S.B. 15-288, BEGINNING JAN. 20, 2019					
STATE OR LEGISLATIVE OFFICE	PRIOR SALARY (ESTABLISHED JANUARY 1999)	REFERENCE JUDICIAL OFFICER	PERCENT OF REFERENCE SALARY	JAN. 2019 ANNUAL SALARY OF JUDICIAL OFFICER ¹	JAN. 2019 ANNUAL SALARY OF STATE OR LEGISLATIVE OFFICE
Governor	\$90,000	Chief Justice, Colorado Supreme Court	66%	\$186,656	\$123,193
Lieutenant Governor	68,500	County Court Judges, Class B Counties	58%	160,966	93,360
Attorney General	80,000	Chief Judge, Colorado Court of Appeals	60%	179,453	107,672
State Legislators	30,000	County Court Judges, Class B Counties	25%	160,966	40,242
Secretary of State	68,500	County Court Judges, Class B Counties	58%	160,966	93,360
Treasurer	68,500	County Court Judges, Class B Counties	58%	160,966	93,360

¹ Judicial officer salaries are based footnote 58 of the FY 2018-19 Long Bill (H.B. 18-1322).

Because the salaries of justices and judges cannot be reduced while they are in office, all judicial salary increases raise the future salaries for the linked offices in the above table. Thus the 3 percent judicial salary increase awarded in FY 2019-20 raised the future salaries of the linked offices by at least 3 percent the next time someone begins a new term in that office – more if subsequent judicial salary increases occur before the new term begins.

- 55 Judicial Department, Probation and Related Services, Offender Treatment and Services -- It is the intent of the General Assembly that \$624,877 of the General Fund appropriation for Offender Treatment and Services be used to provide treatment and services for offenders participating in veterans treatment courts, including peer mentoring services.

COMMENT: The Department indicates that it is complying with this footnote and it requests continuation of the \$624,877 appropriation for FY 2020-21.

Purpose of Footnote. The General Assembly initially added \$367,197 General Fund to the Offender Treatment and Services line item in the FY 2012-13 Long Bill to fund treatment and services for offenders participating in veterans treatment courts (VTC's). This footnote accompanied the appropriation and stated the intended use of the moneys. This funding is used to fill service gaps that cannot be met through existing veterans programs and services. The General Assembly added \$257,680 General Fund to this line item in FY 2014-15 to provide funding for peer mentoring services for veterans treatment court participants. (In some jurisdictions they are called veterans trauma courts.)

Allocation and Use of Funds. The funding described above is appropriated for the provision of treatment and services to offenders participating in veterans treatment courts. In addition, the Problem-solving Courts line item (in the Administration and Technology, Centrally Administered Programs subsection of the Judicial budget) provides funding for the staffing of problem-solving courts, including veterans treatment courts.

There are currently six veterans treatment courts in operation. The following table, prepared by the Department, lists the capacity of each court along with the funding that is currently allocated to each court for peer mentors and treatment services. The Department indicates that it has supplemented the funds identified in this footnote with funding from the Correctional Treatment Cash Fund to provide funding for those courts that started operations after FY 2012-13 (Brighton, Golden, and Pueblo). Thus, the allocations below total \$714,877.

VETERANS TREATMENT COURTS						
Capacity	Judicial District	County	Peer mentor services	Administration operating exp	Treatment allocation	Total District VTC allocation
40	1st	Jefferson	\$37,063	\$1,500	\$30,673	\$69,236
30	2nd	Denver	37,063	1,500	36,808	75,371
150	4th	El Paso	111,188	23,000	253,040	387,228
15	10th	Pueblo	37,063	1,500	18,404	56,967
25	17th	Adams	37,063	1,500	30,673	69,236
50	18th	Arapahoe	18,531	1,500	36,808	56,839
310	Total		\$277,971	\$30,500	\$406,406	\$714,877
VTC funding from footnote						624,877
+ Supplemental GF funding						90,000
= VTC Allocation						714,877
- Peer Mentor Services						(277,971)
- VTC administration operating costs						<u>(30,500)</u>
= Total for treatment						406,406

Notes:

Peer mentors are contractors, not judicial employees. Each court determines its own need for peer mentor services. Mentor costs are estimates based on the assumption that a full time mentor's annual salary is \$65,000 with part-time mentors salaries prorated and the need for 0.5 mentor per 50 participants. It's further assumed that mentors are compensated for 50 miles driven per day per mentor while doing their job.

The operating allocation is an estimate of the cost to operate the veterans court.

- 56 Judicial Department, Probation and Related Services, Correctional Treatment Cash Fund Expenditures -- This appropriation provides the following transfers: \$3,551,498 to the Department of Corrections, \$10,697,223 to the Department of Human Services, \$5,419,635 to the Department of Public Safety, \$2,896,891 to the Offender Treatment and Services line item in the Probation Division, and \$169,000 to the District Attorney Adult Pretrial Diversion Programs line in the Centrally Administered Program Section of the Courts Administration Division.

COMMENT: It is challenging to follow the flow of Correctional Treatment Cash Funds in the Long Bill and this footnote increases transparency.

- 57 Judicial Department, Office of the State Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the State Public Defender appropriation may be transferred between line items in the Office of the State Public Defender.

COMMENT: This is the first of four footnotes that authorize the largest independent agencies to transfer a limited amount of funding among their own line item appropriations,

over and above transfers that are statutorily authorized. Section 24-75-108 (5), C.R.S., allows the Chief Justice of the Colorado Supreme Court to authorize transfers between items of appropriation made to the Judicial Branch, subject to certain limitations. One of these limitations is expressed in Section 24-75-110, C.R.S., which limits the total amount of over expenditures and moneys transferred within the Judicial Branch to \$1.0 million per fiscal year.

For FY 2018-19, the Office of the State Public Defender (OSPD) complied with the identical previous version of this footnote. JBC staff expects continued compliance this year. The footnote provided the OSPD with the authority to transfer up to 2.5 percent of its total appropriation between line items (\$97,453,793 appropriation * 2.5% = \$2,436,345 maximum transfer). The following table details the transfers.

TRANSFERS MADE BY THE OFFICE OF THE STATE PUBLIC DEFENDER PURSUANT TO LONG BILL FOOTNOTE: FY 2018-19			
LONG BILL LINE ITEM	TRANSFERS IN	TRANSFERS OUT	NET TRANSFERS
Personal Services		(\$850,000)	(\$850,000)
Operating Expenses	\$30,000		30,000
Automation Plan	670,000		670,000
Mandated Costs	150,000		150,000
<i>Transfers between OSPD line items</i>	<i>\$850,000</i>	<i>(\$850,000)</i>	<i>\$0</i>
<i>Transfers to/ (from) Other Judicial Agencies</i>	<i>0</i>	<i>0</i>	<i>0</i>

- 58 Judicial Department, Office of the Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Alternate Defense Counsel appropriation may be transferred between line items in the Office of the Alternate Defense Counsel.

COMMENT: For FY 2018-19, the Office of the Alternate Defense Counsel (OADC) complied with the identical previous version of this footnote. JBC staff expects continued compliance this year. The footnote provided the OADC with the authority to transfer up to 2.5 percent of its total appropriation between line items (\$48,079,361 appropriation * 2.5% = \$1,201,984 maximum transfer). The following table details the transfers.

TRANSFERS MADE BY THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL PURSUANT TO LONG BILL FOOTNOTE: FY 2018-19			
LONG BILL LINE ITEM	TRANSFERS IN	TRANSFERS OUT	NET TRANSFERS
Personal Services	\$31,771	\$0	\$31,771
Operating Expenses	70,622	(34,460)	36,162
Training and Conferences	1,702	0	1,702
Conflict of Interest Contracts	32,757	(102,392)	(69,635)
<i>Transfers between OADC line items</i>	<i>\$136,852</i>	<i>(\$136,852)</i>	<i>\$0</i>
<i>Transfers to/ (from) Other Judicial Agencies</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>

- 59 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of the Child's Representative.

COMMENT: For FY 2018-19, the Office of Child's Representative complied with the identical previous version of this footnote. JBC staff expects continued compliance this year. The footnote provided the OCR with the authority to transfer up to 2.5 percent of its total appropriation between line items (\$31,272,945 appropriation * 2.5% = \$781,824 maximum transfer). The following table details the transfers.

Transfers Made by the Office of the Child's Representative Pursuant to Long Bill Footnote: FY 2018-19			
Long Bill Line Item	Transfers In	Transfers Out	Net Transfers
Personal Services		(\$50,000)	(\$50,000)
Operating Expenses	\$35,000		15,000
Training	15,000		10,000
Court-appointed Counsel		(25,000)	(25,000)
Mandated Costs	25,000		38,000
<i>Transfers between OCR line items</i>	<i>\$75,000</i>	<i>(\$75,000)</i>	<i>\$0</i>
<i>Transfers to/ (from) Other Judicial Agencies</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>

- 60 Judicial Department, Office of the Child's Representative, CASA Contracts -- It is the General Assembly's intent that \$30,000 of this appropriation be allocated to local CASA programs to cover the costs of conducting criminal history record checks for CASA volunteers. If a local CASA program's share of this amount exceeds the amount incurred for criminal history record checks, it is the General Assembly's intent that the remainder be used to support other local CASA program activities.

COMMENT: This footnote appeared in the Judicial Branch Long Bill for the first time in FY 2017-18. The CASA contractor, Colorado CASA, is responsible for expending the related appropriation and last December it indicated that it complied with this footnote for FY

2017-18. Staff expects Colorado CASA to soon report that it complied with this footnote for FY 2018-19.

- 61 Judicial Department, Office of the Respondent Parents' Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Respondent Parents' Counsel's appropriation may be transferred between line items in the Office of the Respondent Parents' Counsel.

COMMENT: For FY 2018-19, the Office of the Respondent Parents' Counsel complied with the identical previous version of this footnote. JBC staff expects continued compliance this year. The footnote provided the Office of the Respondent Parents' Counsel (ORPC) with the authority to transfer up to 2.5 percent of its total appropriation between line items (\$20,566,470 appropriation * 2.5% = \$514,162 maximum transfer). The following table details the transfers.

TRANSFERS MADE BY THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL PURSUANT TO LONG BILL FOOTNOTE: FY 2018-19			
LONG BILL LINE ITEM	TRANSFERS IN	TRANSFERS OUT	NET TRANSFERS
Personal Services		(\$62,016)	(\$62,016)
Operating Expenses	\$30,974		30,974
Training - GF	66		66
Court-appointed Counsel		(197,335)	(197,335)
Mandated Costs	228,311		228,311
<i>Transfers between ORPC line items</i>	<i>\$259,351</i>	<i>(\$259,351)</i>	<i>\$0</i>
<i>Transfer to/ (from) Other Judicial Agencies</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>

UPDATE ON REQUESTS FOR INFORMATION

Request Applicable to Multiple Departments, Including Judicial Branch

- 1 **Department of Corrections; Department of Human Services; Judicial Department; Department of Public Safety; and Department of Transportation** -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Alcohol and Drug Driving Safety Program Fund, the Law Enforcement Assistance Fund, the Offender Identification Fund, the Persistent Drunk Driver Cash Fund, and the Sex Offender Surcharge Fund, among other programs.

COMMENT: This request for information is intended to ensure that Departments coordinate requests that draw on the same cash fund. Each Department is required to include, as part of its budget request, a Cash Fund Report (a "Schedule 9") for each cash fund it administers to comply with the statutory limit on cash fund reserves, and to allow both the Office of State Planning and Budgeting and the Joint Budget Committee to make informed decisions regarding the utilization of cash funds for budgeting purposes. For funds that are shared by multiple departments, the department that administers the fund is responsible for coordinating submission of expenditure and revenue information from all departments to construct a schedule 9 that incorporates all activity in the fund.

Each of the funds referenced in this RFI are listed below, with a brief explanation of fund revenues and authorized expenditures.

Alcohol and Drug Driving Safety Program Fund [Section 42-4-1301.3 (4) (a), C.R.S.] - Section 42-4-1301.3, C.R.S., sets forth sentencing guidelines for persons convicted of driving under the influence (DUI), persons convicted of driving while ability impaired (DWAI), and persons who are habitual users of a controlled substance who are convicted of driving a vehicle. The Judicial Department is required to administer an Alcohol and Drug Driving Safety (ADDS) Program in each judicial district. This program is to provide: (1) pre-sentence and post-sentence alcohol and drug evaluations of all persons convicted of driving violations related to alcohol or drugs; and (2) supervision and monitoring of those persons whose sentences or terms of probation require completion of a program of alcohol and drug driving safety education or treatment.

The ADDS Program Fund consists of assessments designed to ensure that the ADDS Program is self-supporting. Assessments include fees paid by individuals for alcohol and drug evaluations, as well as inspection fees paid by approved alcohol and drug treatment facilities. The evaluation fee was increased from \$181 to \$200 in FY 2007-08. Money in the Fund is subject to annual appropriation to the Judicial Department and the Department of Human Services' Office of Behavioral Health for the administration of the ADDS Program.

These two departments are required to propose changes to these assessments as required to ensure that the ADDS Program is financially self-supporting. Any adjustment in the assessments approved by the General Assembly is to be "noted in the appropriation...as a footnote or line item related to this program in the general appropriations bill".

The Judicial Department receives a direct appropriation from the Fund to support probation programs (\$3,315,314 for FY 2019-20), and a portion of this funding is transferred to the Department of Human Services for the administration of alcohol and drug abuse services (\$507,312 for FY 2019-20). The Judicial Department's budget requests include a schedule 9 for this fund.

Revenues, which had exceeded \$4.1 million in FY16, have steadily declined to about \$3.8 million in FY19. A simultaneous reduction of expenditures from \$4.2 million to about \$3.5 million over this period has kept the fund on a sustainable path.

Law Enforcement Assistance Fund (LEAF) [Section 43-4-401, C.R.S.] – This fund consists of revenues from a \$75 surcharge on drunk and drugged driving convictions to help pay for enforcement, laboratory charges, and prevention programs. Moneys in the fund are appropriated to the Department of Human Services (for a statewide program for the prevention of driving after drinking), the Department of Public Health and Environment (for evidential breath alcohol testing and implied consent specialists), and the Department of Public Safety's Colorado Bureau of Investigation (for toxicology laboratory services). Remaining funds are credited to a Drunken Driving Account and made available to the Department of Transportation's Office of Transportation Safety for allocation to local governments for drunken driving prevention and law enforcement programs. The Judicial Department does not receive any appropriations from this fund. The Department of Transportation's annual budget requests include a schedule 9 for this fund. The schedules show a rapidly declining fund balance in FY16 and FY17 that actually dipped below \$0 in FY18. Spending from the fund, which exceeded \$2 million in FY17 and FY18 was cut by approximately \$1 million over 2 years to about \$1.3 million, which is comfortably less than fund revenue, thus putting the fund on a sustainable path.

Offender Identification Fund [Section 24-33.5-415.6 (1), C.R.S.] - This fund consists of payments for genetic testing received from certain adult and juvenile offenders. The testing fee is currently \$128. Every individual who is arrested or charged for a felony must provide a DNA sample to the local law enforcement agency as part of the booking process, unless the Colorado Bureau of Investigation (CBI) already has a sample. There is also a surcharge of \$2.50 on defendants for each criminal action resulting in a conviction or a deferred judgment and sentence for a felony, misdemeanor, misdemeanor traffic charges, and traffic infractions.

The Judicial Department is responsible for collecting biological substance samples from offenders who are sentenced to probation. The Department of Corrections, the Department of Human Services' Division of Youth Services, county sheriffs, and community corrections programs are responsible for collecting biological substance samples from offenders in their custody. The CBI is responsible for conducting the chemical testing of the samples, storing and preserving the samples, filing and maintaining test results, and furnishing test results to law enforcement agencies upon request. The CBI is also required to provide test kits to local law enforcement agencies throughout the state to collect DNA samples from arrestees.

Money in the Fund is subject to annual appropriation to the Judicial Department and the Department of Public Safety to pay for genetic testing of offenders. The Judicial Department receives an annual appropriation from the Fund (an unstated part of a “various cash funds” appropriation to *Probation Programs* in the FY 2019-20 Long Bill). The Judicial Department’s annual budget requests include a schedule 9 for this fund which shows that the Fund’s revenue has declined about 10% over the last four years, from \$1.03 million in FY16 to \$0.94 million in FY19. With about \$60,000 going annually to Judicial and a variable amount that twice exceeded \$1 million going to Public Safety, the result has been a declining fund balance. At the current time it appears that the fund can support annual appropriations of about \$60,000 to the Judicial Department and about \$850,000 to the Department of Public Safety.

Persistent Drunk Driver Cash Fund [Section 42-3-303 (1), C.R.S.] - This fund consists of penalty surcharge fees paid by persons convicted of DUI, DUI per se, or DWAI, as well as a person who is a habitual user of a controlled substance who is convicted of a misdemeanor for driving a vehicle. Money in the Fund is subject to annual appropriation to:

- pay the costs incurred by the Department of Revenue concerning persistent drunk drivers;
- pay for costs incurred by the Department of Revenue for computer programming changes related to treatment compliance for persistent drunk drivers;
- support programs that are intended to deter persistent drunk driving or intended to educate the public, with particular emphasis on the education of young drivers, regarding the dangers of persistent drunk driving;
- pay a portion of the costs of intervention and treatment services for persistent drunk drivers who are unable to pay for such services;
- assist in providing court-ordered alcohol treatment programs for indigent and incarcerated offenders;
- assist in providing approved ignition interlock devices for indigent offenders; and
- assist in providing continuous monitoring technology or devices for indigent offenders.

The Judicial Department receives money from the Fund transferred from the Department of Human Services (DHS) (\$888,341 in the FY 2019-20 Long Bill). The appropriation is transferred from the DHS’s Office of Behavioral Health, Substance Use Treatment and Prevention Services, Community Prevention and Treatment Programs line item appropriation. The Department of Human Services’ annual budget requests includes a schedule 9 for this fund. The schedule shows that the fund has been out of compliance with the requirements of S.B. 98-194 and increased spending from the fund in recent years has brought it nearly into compliance. Now that it is nearly in compliance, spending from the fund will be lower in future years but annual revenues of about \$1.7 million are projected to continue.

Sex Offender Surcharge Fund [Section 18-21-103 (3), C.R.S.] - This fund consists of 95 percent of sex offender surcharge revenues. These surcharges range from \$150 to \$3,000 for each conviction or, in the case of juveniles, adjudication. Moneys in the Fund are subject to annual appropriation to the Judicial Department, the Department of Corrections, the

Department of Public Safety's Division of Criminal Justice, and the Department of Human Services to cover the direct and indirect costs associated with the evaluation, identification, and treatment and the continued monitoring of sex offenders. Pursuant to Section 16-11.7-103 (4) (c), C.R.S., the Sex Offender Management Board is required to develop a plan for the allocation of moneys deposited in the Fund, and to submit the plan to the General Assembly.

The Judicial Department receives a direct appropriation from the Fund to support treatment and services for offenders on probation (\$302,029 in the FY 2019-20 Long Bill). Under the plan submitted by the Sex Offender Management Board in August 2019, this appropriation would not change for FY 2020-21. The Judicial Department's FY 2020-21 budget request includes a Schedule 9 for this fund. Revenue of the fund rose in FY 2019 and, at the current expenditure rate, the fund balance is likely to rise modestly in future years.

Requests Applicable to Judicial Branch Only

- 1 **Judicial Department, Office of the State Public Defender** – The State Public Defender is requested to provide by November 1, 2019, a report concerning the Appellate Division's progress in reducing its case backlog, including the following data for FY 2018-19: the number of new cases; the number of opening briefs filed by the Office of the State Public Defender; the number of cases resolved in other ways; the number of cases closed; and the number of cases awaiting an opening brief as of June 30, 2019.

The Department of Law also received the following Request for Information. It supplied information for the next comment.

- 2 **Department of Law, Criminal Justice and Appellate, Appellate Unit** – The Department is requested to provide by November 1, 2020 a report concerning the Appellate Unit's progress in reducing its case backlog, including the following data for FY 2019-20: the number of opening briefs received; the number of answer briefs filed; and the case backlog as of June 30, 2019.

COMMENT: In 2013, the Office of the State Public Defender (OSPD) received 16.0 additional FTE to address a growing backlog of appellate cases (i.e. cases awaiting an opening brief). The backlog peaked at 749 cases in FY 2013-14, which was 470 cases above the National Legal Aid & Defender Association (NLADA) standard for backlogged cases. Subsequently, the JBC annually requested that the OSPD report its progress in reducing the backlog. Similar RFI's have been submitted to the Department of Law.

OSPD's November 1, 2019 Response. The OSPD provided the requested data, which is included in Table 1, below.

TABLE 1							
OSPD APPELLATE DIVISION STAFFING AND FELONY APPEAL CASELOAD STATISTICS							
FISCAL YEAR	FTE TOTAL	FELONY APPEALS CASELOAD DATA					
		TOTAL ACTIVE FELONY APPEALS	NEW CASES	OPENING BRIEFS FILED BY OSPD	CASES RESOLVED OTHER WAYS	TOTAL CASES CLOSED	CASES AWAITING OPENING BRIEF ("BACKLOG")
99-00	25.0	825	487			387	
07-08	29.0	1,834	606	465	121	586	
08-09	31.8	1,804	627	450	205	655	
09-10	31.8	1,784	602	427	124	551	
10-11	31.8	1,840	575	415	142	557	
11-12	34.8	1,939	589	460	133	593	
12-13	34.8	1,931	585	427	135	562	671
13-14	35.8	2,341	573	367	127	495	749
14-15	47.3	2,282	533	422	122	544	738
15-16	47.3	2,234	511	486	141	627	622
16-17	47.3	2,196	525	459	101	560	587
17-18	47.3	1,989	523	421	150	571	539
18-19	47.3	1,922	563	381	118	499	603
19-20 Proj.	47.3	1,938	574	447	138	585	592
20-21 Proj.	47.3	1,906	586	447	141	588	590
21-22 Proj.	47.3	1,907	592	447	142	589	592
22-23 Proj.	47.3	1,912	598	447	144	591	599
23-24 Proj.	47.3	1,922	603	447	145	592	610

From FY 2013-14 to FY 2017-18 the OSPD was successful in reducing the backlog of cases. However, in 2019 the OSPD backlog rose to 603 cases, which is 235 cases above the NLADA backlog standard. The OSPD now projects that the backlog will decline until FY 2021-22 but will then begin rising.

As noted above, the JBC requested that the Department of Law provide similar statistics to allow the General Assembly to monitor its progress in reducing its backlog of criminal appellate cases. Table 2, below, summarizes the data provided by both agencies.

TABLE 2						
DEPARTMENT OF LAW (LAW) AND OFFICE OF THE STATE PUBLIC DEFENDER (OSPD) FELONY APPEALS CASE STATISTICS						
FISCAL YEAR	OSPD			LAW		
	TOTAL ACTIVE FELONY CASES	OPENING BRIEFS FILED	CASE BACKLOG	OPENING BRIEFS RECEIVED	ANSWER BRIEFS FILED	CASE BACKLOG
2009-10	1,784	427	634	1,152	1,054	434
2010-11	1,840	415	652	1,050	1,021	398
2011-12	1,939	460	648	1,171	894	608
2012-13	1,931	427	671	1,018	885	564
2013-14	2,341	367	749	911	1,149	320
2014-15	2,282	422	738	952	1,017	264
2015-16	2,234	486	622	1,056	913	428
2016-17	2,196	459	587	968	931	466
2017-18	1,989	421	539	971	943	494
2018-19	1,922	381	603	1,002	1,034	463

When the Department of Law received additional resources in FY 2013-14, it began reducing its backlog (i.e. cases for which an answer brief has not been filed). However, once

the OSPD filled the new positions that were authorized in FY 2014-15 and it began to reduce its own backlog by increasing the number of opening briefs filed, the Department of Law's case backlog began to rise until last year (FY 2018-19) when it declined.

- 2 **Judicial Department, Probation and Related Services** – The State Court Administrator's Office is requested to provide by November 1 of each year a report on pre-release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including the following: adult and juvenile intensive supervision; adult and juvenile minimum, medium, and maximum supervision; and the female offender program. The Office is requested to include information about the disposition of pre-release failures and post-release recidivists, including how many offenders are incarcerated (in different kinds of facilities) and how many offenders return to probation because of violations.

COMMENT: The Department submitted the requested report. On June 30, 2018, there were 76,929 offenders on probation in Colorado, including 73,435 adults (down slightly from 73,479 a year earlier) and 3,494 juveniles (down from 3,720 a year earlier) in both the regular and intensive-supervision probation programs.¹⁴ This report concerns recidivism among the probationers whose probation ended during FY 2017-18. In some cases probation ended because the offender committed a new crime or committed technical violations of his probation conditions and a judge revoked probation. In other cases the offender successfully finished probation during FY 2017-18 and the study examines whether the offender was charged with a new crime within one year of the successful finish.¹⁵ Probationers who abscond from supervision are classified as having been terminated for a technical violation. (Under Colorado's escape laws in Section 18-8-208, C.R.S., it is not a crime to abscond from probation. However, parolees who abscond can be charged with escape.) Revocation for other types of technical violations usually involves more than one violation, unless the violation is serious.

The information and key findings contained in the report are summarized below.

Supervision of Offenders Sentenced to Probation

¹⁴ The total includes individuals under state and private (DUI and non-DUI) probation supervision. An additional 3,810 DUI offenders were monitored by state probation but were not part of this study. Since October 1, 2013 the adult intensive supervision program is no longer a sentencing option for the courts. Instead, probationers are placed in intensive programs based on risk and criminogenic needs as assessed by their probation office.

¹⁵ For the study, probationers were classified based on termination codes entered in the probation record keeping system. The relevant codes are "Terminated – Technical", "Terminated – New Crime", "Terminated - End-of-sentence", and "Terminated – Escaped". When a probationer receives a new charge, the probation officer will file for revocation. If the charge is a misdemeanor, many judges will continue (i.e. delay) the revocation proceeding until the charges are resolved, usually through a plea agreement. Probationers often remain free during this period. More serious charges might lead a judge to immediately revoke probation. When probation is revoked because of new charges that have not yet been resolved, the probation department codes this as termination for a new crime. Note that judges can sanction probationers for technical violations without ending probation. For example, following repeated technical violations (hot UAs, failure to come to appointments and treatment, etc.), a judge might revoke and regrant probation with the condition that the offender spend the first 30 days of the new probation term in the county jail. After the trip to jail, the offender is back on probation. Since revoking and regranting probation with new conditions is not coded as a termination, a jail trip like this can occur and the probationer can still complete probation successfully with a code of "Terminated – End-of Sentence" in his or her record.

In order to allocate resources based on risk, probation officers use validated instruments¹⁶ to assess an individual's risk of reoffending. This involves an evaluation of an offender's "criminogenic needs" – those risk factors that are predictors of future criminal behavior.¹⁷ Probation officers supervise offenders within the community according to their assessed risk level with a focus on positive behavior change. Probationers are referred to appropriate community-based treatment and skill-based programs based upon their assessed needs. Many problem-solving courts (e.g. adult drug court) are utilized throughout the state to address those offenders who are higher risk and have significant treatment needs.

Recidivism Definitions

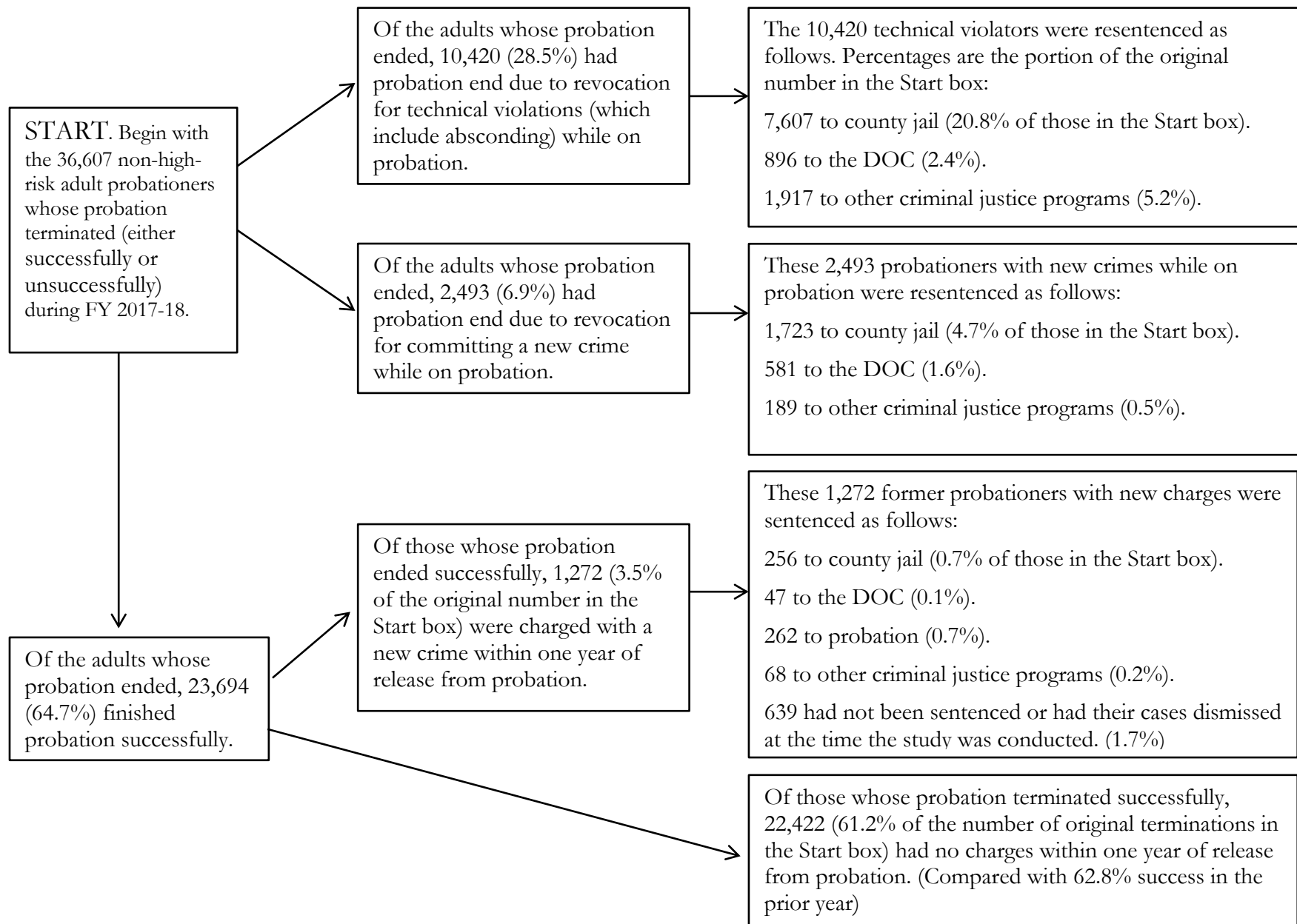
The annual report is based on the following definitions related to recidivism:

- “Pre-release Recidivism” means probation was terminated with an adjudication or conviction for a felony or a misdemeanor, or was terminated for technical violation that may or may not involve a new crime. Absconding is classified as a technical violation.
- “Post-release Recidivism” includes a filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense.
- “Overall success” means the offender did not recidivate either prior to or for one year following release.

The diagram on the following page summarizes the findings for non-high-risk adult offenders whose probation ended in FY 2017-18. (See tables 1, 2, 15, 17, and 18 in the report.)

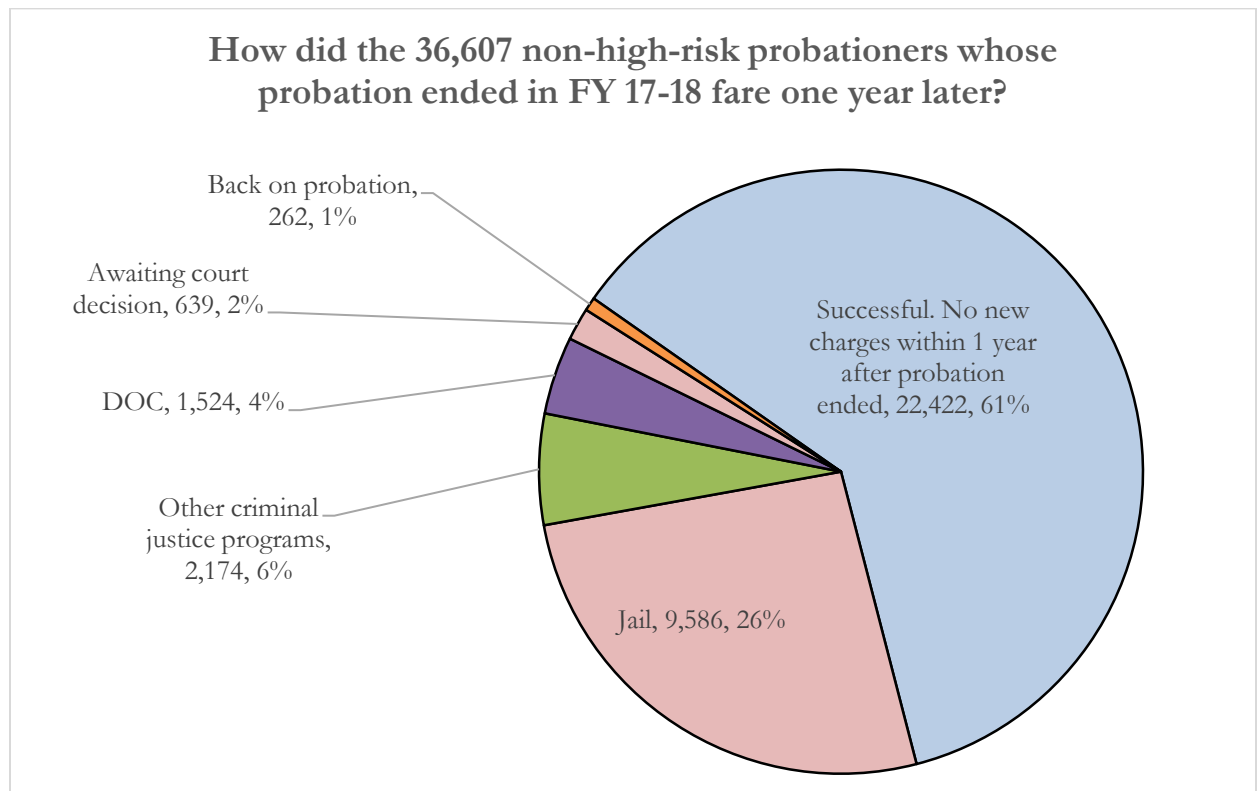
¹⁶ Colorado probation officers use the Level of Supervision Inventory (LSI) to classify adults according to risk level and the Colorado Juvenile Risk Assessment (CJRA) to classify juveniles. Both are research-based and validated actuarial risk assessment instruments that evaluate the risk level of the individual. The LSI is commonly used by probation and parole officers and other correctional workers in the United States and abroad. The CJRA is based on similar research used to develop the LSI, but it was developed by Colorado criminal justice professionals and validated on a Colorado sample of juvenile offenders. Both of these classification tools result in one of three supervision levels: minimum, medium, or maximum.

¹⁷ Colorado Probation identifies the following eight criminogenic needs (with the first four being the most important): history of anti-social behavior; anti-social personality pattern; anti-social attitudes/cognition; anti-social associates/peers; family/marital stressors; lack of employment stability or work/educational achievement; lack of pro-social activities; and substance abuse.



Thus of the 36,607 original non-high-risk adult probationers in this report,

- 1,524 (= 896 + 581 + 47 or 4.1 percent of the total in the Start box, compared with 1500 in the prior year) went to DOC for technical violations or new crimes while on probation or for new crimes within one year of probation termination. Had the follow up period extended 2 or 3 years beyond termination, a higher number would have gone to DOC.
- 9,586 (= 7,607 + 1,723 + 256 or 26.1 percent of the total in the Start box, compared with 8,839 in the prior year) went to jail for technical violations or new crimes while on probation or for new crimes within one year of probation termination. A substantial number of those sent to jail probably found their way to DOC subsequently.



There were 6,170 new court commitments to DOC in 2018 (compared with 5,697 in the prior year), so admissions to DOC from this non-high-risk group accounted for 24.7 percent of DOC new court commitments (= 1,524 / 6,170, compared with 26 percent in the prior year).

The Recidivism Report includes information on offenders in the Adult Intensive Supervision Program (AISP) and the Female Offender Program (FOP), which are both for high-risk probationers. Offenders in these programs provided DOC with an additional 137 new commitments. Thus in combination all adult probation programs in this report provided

DOC with 1,626 new commitments, which equals 26.4 percent of 2018 new DOC commitments.¹⁸

Though this study does not start with a group of new probationers who started probation in the same year and follow them for several years to see how they fared, the study indicates that it is *approximately* correct to say that for 1000 new non-high-risk adult offenders who enter the probation system 61.2 percent (those in the bottom right box of the diagram above) will finish probation successfully and will be crime free a year after finishing; 4.1 percent will fail on probation or within a year after release and be sentenced to the Department of Corrections; and 26.1 percent will fail on probation or within a year after release and be sentenced to county jail.¹⁹

The following table summarizes the data for non-high-risk adults and juveniles in recent years.

PROBATION RECIDIVISM RATES					
TERMINATION COHORTS FOR FISCAL YEARS 2006-07 THROUGH 2017-18					
SUPERVISION LEVEL AT TIME OF TERMINATION	FISCAL YEAR	PRE-RELEASE RECIDIVISM		POST-RELEASE RECIDIVISM	OVERALL SUCCESS
		TECHNICAL VIOLATION	NEW CRIME		
Juvenile - Regular	2006-07	21.5%	6.8%	11.6%	60.1%
	2007-08	20.9%	6.6%	11.1%	61.4%
	2008-09	19.3%	7.0%	11.3%	62.4%
	2009-10	19.9%	7.1%	10.3%	62.7%
	2010-11	15.0%	5.9%	12.4%	66.7%
	2011-12	17.8%	7.6%	10.9%	63.7%
	2012-13	20.0%	7.5%	9.8%	62.7%
	2013-14	19.5%	7.5%	10.1%	62.9%
	2014-15	22.8%	7.0%	10.4%	59.7%
	2015-16	21.3%	8.0%	10.8%	59.9%
	2016-17	21.2%	6.7%	9.1%	63.0%
2,319 juveniles in latest year	2017-18	20.4%	6.9%	9.5%	63.3%
Adult - Regular	2006-07	31.8%	7.1%	5.2%	55.9%
	2007-08	29.3%	6.3%	4.7%	59.7%
	2008-09	25.0%	6.1%	4.6%	64.3%
	2009-10	21.2%	5.5%	4.4%	68.9%
	2010-11	20.0%	5.0%	4.3%	70.6%
	2011-12	20.4%	5.1%	4.5%	70.0%
	2012-13	21.6%	5.3%	3.8%	69.3%
	2013-14	23.3%	5.2%	3.7%	67.9%
	2014-15	24.4%	5.6%	4.0%	66.0%
	2015-16	24.4%	5.7%	4.5%	65.4%
	2016-17	26.6%	6.9%	3.8%	62.8%
36,607 adults in latest year	2017-18	28.5%	6.8%	3.5%	61.3%

¹⁸ Calculation details:

AISP + FOP populations = 574 + 211 (compared with 440 + 225 in the prior year)

AISP + FOP sent to DOC for pre-release technical violations = 37 + 17 (50 + 23 in prior year)

AISP + FOP sent to DOC for pre-release new crimes = 34 + 13 (49 + 13 in prior year)

AISP + FOP sent to DOC for post-release new crimes = 1 + 0 (2 + 0 in prior year)

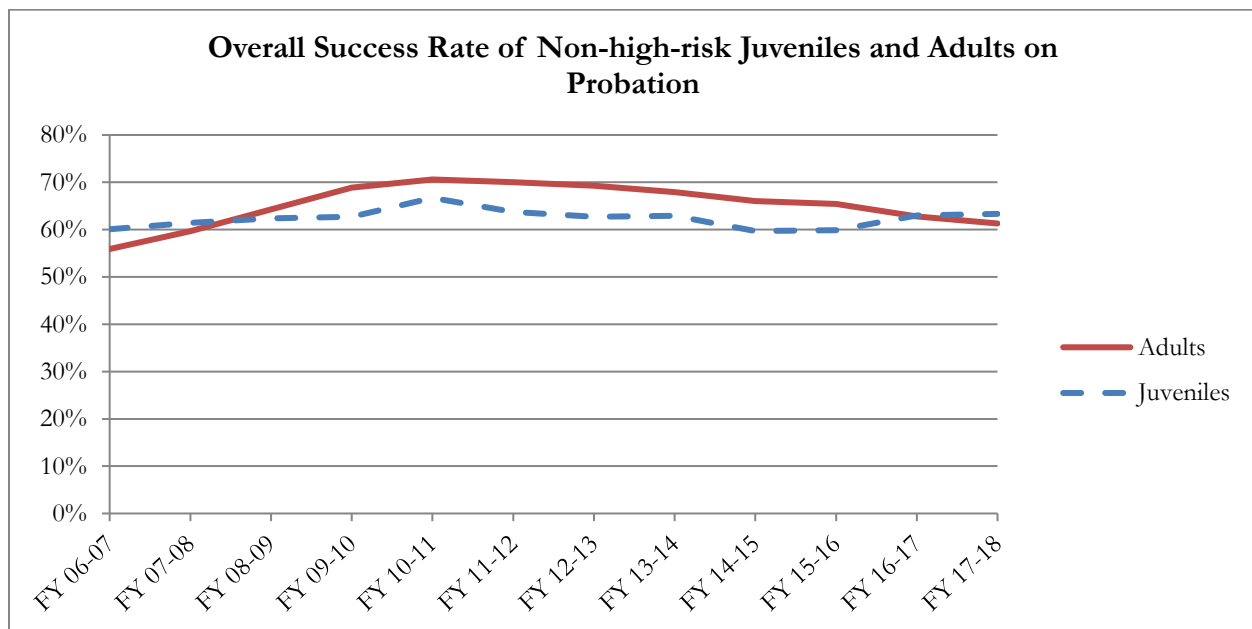
Overall total sent to DOC = 1524 + 37 + 17 + 34 + 13 + 1 + 0 = 1,626 (1500 + 50 + 23 + 49 + 13 + 2 + 0 = 1,637 in prior year)

¹⁹ It is possible however, that some of the probationers who successfully finished spent some time in county jail as part of their sentence. For example, at the beginning of their sentence they might have been sentenced to probation and, as a condition of probation, been sent to jail for 30 days before the on-the-street phase of their probation began.

PROBATION RECIDIVISM RATES					
TERMINATION COHORTS FOR FISCAL YEARS 2006-07 THROUGH 2017-18					
SUPERVISION LEVEL AT TIME OF TERMINATION	FISCAL YEAR	PRE-RELEASE RECIDIVISM		POST-RELEASE RECIDIVISM	OVERALL SUCCESS
		TECHNICAL VIOLATION	NEW CRIME		

Source: Tables 11 and 15 in recent RFI recidivism reports. Data for all fiscal years prior to FY 2009-10 excludes DUI offenders. Beginning in FY 2009-10, data includes DUI offenders under state or private probation supervision who are receiving some probation services; DUI offenders who were under private probation supervision, were "monitored" by state probation, but received no additional probation services continue to be excluded in all fiscal years. In addition, Denver County Court filing data (i.e. Denver misdemeanor filings) was only made available to Judicial's ICON/Eclipse system (the Judicial Branch's management information system) for FY 2005-06 and FY 2006-07; in other years, post-release recidivism rates may be understated.

The following chart shows that the overall success rate for non-high-risk adults rose from FY 2006-07 to FY 2010-11 and has since declined. The juvenile success rate has varied, ranging from 60 to 66 percent.



Intensive Supervision Programs

The probation department's intensive supervision programs are for juveniles (JISP, Juvenile ISP), adults (AISP, Adult ISP), and adult females (FOP, Female Offender Program). These are higher risk individuals who are more likely to fail and more likely to commit new crimes. The following table summarizes recidivism data for both adults and juveniles with an intensive level of supervision, for the most recent ten fiscal years. Overall success occurs when an individual terminates probation directly from intensive supervision without revocation for a new crime or a technical violation and does not recidivate for one year after release or successfully terminates from intensive supervision and transfers to regular supervision. This unusual measure of overall success makes the overall success measure hard to interpret and may be the reason post-release recidivism is low for this high-risk group. Also note that these groups are relatively small so percentages can jump from year to year.

PROBATION RECIDIVISM RATES					
TERMINATION COHORTS FOR FISCAL YEARS 2006-07 THROUGH 2017-18					
SUPERVISION LEVEL AT TIME OF TERMINATION	FISCAL YEAR	PRE-RELEASE RECIDIVISM		POST-RELEASE RECIDIVISM	OVERALL SUCCESS
		TECHNICAL VIOLATION	NEW CRIME		
Juvenile Intensive Supervision Program (JISP)	2006-07	40.7%	11.5%	4.6%	43.2%
	2007-08	40.8%	18.1%	3.8%	37.3%
	2008-09	37.7%	17.3%	1.5%	43.5%
	2009-10	34.8%	19.4%	1.7%	44.1%
	2010-11	32.1%	18.1%	2.5%	47.3%
	2011-12	34.5%	15.2%	2.3%	48.0%
	2012-13	37.3%	18.0%	3.1%	41.6%
	2013-14	37.0%	16.9%	3.8%	42.3%
	2014-15	40.2%	17.0%	5.4%	37.5%
	2015-16	42.3%	16.9%	3.7%	37.0%
	2016-17	32.1%	22.2%	3.7%	42.0%
152 juveniles in latest year	2017-18	22.4%	22.4%	5.3%	38.2%
Adult Intensive Supervision Program (AISP)^{a,b}	2006-07	33.1%	10.9%	0.1%	55.9%
	2007-08	31.5%	14.0%	0.4%	54.1%
	2008-09	22.7%	10.8%	0.5%	66.0%
	2009-10	23.9%	10.5%	0.4%	65.2%
	2010-11	22.3%	10.6%	0.7%	66.5%
	2011-12	25.0%	11.0%	0.6%	63.4%
	2012-13	27.2%	11.6%	0.5%	60.7%
	2013-14	26.6%	11.9%	0.7%	60.8%
	2014-15	33.6%	17.7%	1.3%	47.5%
	2015-16	30.6%	16.2%	1.5%	52.2%
	2016-17	37.0%	21.4%	2.3%	39.3%
574 adults in latest year	2017-18	28.0%	16.3%	2.4%	53.2%
Adult - Female Offender Program (FOP)^a	2006-07	28.0%	9.3%	1.1%	61.6%
	2007-08	26.2%	8.7%	1.2%	63.9%
	2008-09	19.9%	7.0%	1.5%	71.6%
	2009-10	21.7%	9.1%	0.7%	68.5%
	2010-11	18.7%	11.3%	1.3%	68.8%
	2011-12	25.6%	7.7%	1.3%	65.4%
	2012-13	28.3%	5.3%	0.6%	65.8%
	2013-14	28.6%	6.3%	2.9%	62.3%
	2014-15	32.2%	10.8%	0.6%	56.3%
	2015-16	39.7%	5.1%	1.3%	53.8%
	2016-17	36.0%	10.7%	0.4%	52.9%
211 females in latest year	2017-18	33.2%	15.2%	2.4%	39.3%

a/ Source: Tables 12 and 16 in recent RFI recidivism reports. The relatively small number of individuals participating in the intensive programs for juveniles, adults, and female adults can cause recidivism rates to vary significantly from year to year - particularly with respect to post-release recidivism.

b/ While some sex offenders on regular supervision are included in the Adult - regular data (previous table), sex offenders on intensive supervision programs are placed in a supervision program that can last decades and are not reflected at all in the Judicial Department's recidivism report. Data related to these offenders is instead reported annually by the Department of Public Safety, Division of Criminal Justice (as required by statute).

- 3 **Judicial Department, Trial Courts, District Attorney Mandated Costs** – District Attorneys in each judicial district shall be responsible for allocations made by the Colorado District Attorneys' Council's Mandated Cost Committee. Any increases in this line item shall be requested and justified in writing by the Colorado District Attorneys' Council, rather than the Judicial Department, through the regular appropriation and supplemental appropriation processes. The Colorado District Attorneys' Council is requested to submit an annual report by November 1 detailing how the District Attorney Mandated Costs appropriation is spent, how it is distributed, and the steps taken to control these costs.

COMMENT: The Judicial Department's budget request includes the requested information, which was prepared by the Colorado District Attorneys' Council (CDAC).²⁰ Staff has summarized the information below. Following that summary, staff included background information about state appropriations that directly benefit District Attorney offices.

District Attorney Mandated Costs. This line item provides state funding to reimburse district attorneys (DAs) for costs incurred for prosecution of state matters, as required by state statute. Section 16-18-101, C.R.S., states that, "The costs in criminal cases shall be paid by the state pursuant to section 13-3-104, C.R.S.²¹, when the defendant is acquitted or when the defendant is convicted and the court determines he is unable to pay them." Pursuant to Section 18-1.3-701 (2), C.R.S., when a person is convicted of an offense or a juvenile is adjudicated, the Court shall give judgment in favor of the State, the prosecuting attorney, or the law enforcement agency and against the offender or juvenile for the amount of the costs of prosecution. Section 18-1.3-701 (2), C.R.S., specifies the types of expenditures that may be included under this provision.

Based on FY 2018-19 expenditure data provided by the CDAC, DAs' mandated costs consist of the following:

- Witness fees and travel expenses (\$663,788 - 27.78%)
- Expert witness fees and travel expenses (\$655,663 – 27.44%)
- Mailing subpoenas (\$572,931 – 23.98%)
- Service of process (\$360,841 – 15.10%)
- Court reporter fees for transcripts (\$173,962 – 7.28%)

The following table provides a history of appropriations and actual expenditures for this line item, as well as the request for FY 2020-21.

²⁰ The CDAC is a quasi-government agency, supported by assessments charged to each district attorney member's office (through an intergovernmental agreement) as well as some State funding.

²¹ This section states that the State "shall provide funds by annual appropriation for the operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts".

DISTRICT ATTORNEYS' MANDATED COSTS								
FISCAL YEAR	APPROPRIATION			ACTUAL EXPENDITURES				OVER/ (UNDER) BUDGET
	GENERAL FUND	CASH FUNDS	TOTAL	GENERAL FUND	CASH FUNDS	TOTAL	ANNUAL % CHANGE	
2000-01	\$1,938,724	\$0	\$1,938,724	\$1,889,687	\$0	\$1,889,687		(\$49,037)
2001-02	1,938,724	0	1,938,724	1,978,963	0	1,978,963	4.7%	40,239
2002-03	2,025,199	125,000	2,150,199	1,833,410	71,117	1,904,527	-3.8%	(245,672)
2003-04	2,025,199	125,000	2,150,199	1,847,369	59,334	1,906,703	0.1%	(243,496)
2004-05	1,911,899	0	1,911,899	1,911,970	0	1,911,970	0.3%	71
2005-06	1,911,899	0	1,911,899	1,772,849	106,325	1,879,174	-1.7%	(32,725)
2006-07	1,841,899	125,000	1,966,899	1,928,795	99,090	2,027,885	7.9%	60,986
2007-08	1,837,733	125,000	1,962,733	2,092,974	130,674	2,223,648	9.7%	260,915
2008-09	2,101,052	125,000	2,226,052	2,063,785	125,000	2,188,785	-1.6%	(37,267)
2009-10	2,101,052	125,000	2,226,052	2,101,050	125,000	2,226,050	1.7%	(2)
2010-11 ^a	2,005,324	125,000	2,130,324	2,005,507	125,000	2,130,507	-4.3%	183
2011-12	2,073,494	125,000	2,198,494	2,061,883	125,000	2,186,883	2.6%	(11,611)
2012-13 ^b	2,389,549	140,000	2,529,549	2,164,497	140,000	2,304,497	5.4%	(225,052)
2013-14 ^c	2,491,916	160,000	2,651,916	2,152,067	160,000	2,312,067	0.3%	(339,849)
2014-15 ^d	2,527,153	170,000	2,697,153	2,374,178	160,865	2,535,043	9.6%	(162,110)
2015-16 ^e	2,322,350	170,000	2,492,350	2,177,581	170,000	2,347,581	-7.4%	(144,769)
2016-17	2,247,350	170,000	2,417,350	2,131,396	170,000	2,301,396	-4.9%	(115,954)
2017-18 ^f	2,314,770	170,000	2,484,770	2,323,341	170,000	2,493,341	8.3%	8,571
2018-19	2,389,313	170,000	2,559,313	2,384,384	170,000	2,554,384	2.4%	(4,929)
2019-20	2,491,686	170,000	2,661,686					
2020-21 Request	2,571,537	200,000	2,771,537					

^a Appropriation reflects reduction of \$17,300 pursuant to H.B. 10-1291.

^b The appropriation included \$265,100 to reimburse costs in the *Holmes* and *Sigg* cases; a total of \$111,993 was spent.

^c The appropriation included \$353,500 specifically for the *Holmes* and *Sigg* cases; a total of \$146,660 was spent.

^d The appropriation included \$300,000 specifically for the *Holmes* case; a total of \$303,820 was spent.

^e The appropriation included \$75,000 specifically for the *Holmes* case; a total of \$78,275 was spent.

^f The Judicial Department used its statutory transfer authority to cover the FY 2017-18 shortfall with a transfer from its own *Court Costs, Jury Costs and Court Appointed Counsel* line item appropriation.

Prior to FY 2000-01, funding for DAs' mandated costs was included within the "Mandated Costs" line item appropriation to the Judicial Department. In 1999, an ad hoc committee on mandated costs released a report recommending that responsibility for managing court costs be transferred to the entities that incur them. Thus, beginning in FY 2000-01, the General Assembly has provided a separate appropriation for DAs' mandated costs. This line item has been accompanied by a footnote or a request for information indicating that DAs in each judicial district are responsible for allocations made by an oversight committee (currently the CDAC). Any increases in the line item are to be requested and justified in writing by the CDAC, rather than the Judicial Department.

The CDAC allocates funds among the 22 judicial districts based on historical spending. However, the CDAC excludes from this initial allocation: a portion of the appropriation to cover its costs of administering the allocation (5.0 percent of the appropriation or \$133,084 in FY 2019-20); and another amount (typically \$300,000) to cover any unanticipated district needs. District attorneys submit information quarterly concerning costs incurred, as well as projections of annual expenditures. The CDAC has a special process for requesting

additional funds above the allocated amount. In order to limit state expenditures, the CDAC has limited expert witness fees to \$1,500 per expert. Fees paid in excess of this limit are only reimbursed if funds remain available at the end of the fiscal year. In FY 2018-19, DAs' incurred \$163,985 above this limit.

CDAC Request for FY 2020-21. The following table summarizes the CDAC's request for FY 2020-21:

DISTRICT ATTORNEYS' MANDATED COSTS REQUEST			
	GENERAL FUND	CASH FUNDS	TOTAL FUNDS
2019-20 Appropriation	\$2,491,686	\$170,000	\$2,661,686
Increase (decrease)	79,851	30,000	109,851
2020-21 Request	\$2,571,537	\$200,000	\$2,771,537
Percent change	3.2%	17.6%	4.1%

Background Information – State Funding for DAs. Colorado's district attorneys' offices (DAs) are responsible for prosecuting all criminal and traffic cases filed in district and county courts. While DAs' budgets are primarily set and funded by boards of county commissioners within each respective judicial district, the General Assembly annually appropriates state funds that directly benefit DAs offices. In Appendix H, staff has provided a table summarizing these state appropriations.

- 4 **Judicial Department, Probation and Related Services, Offender Treatment and Services** – The State Court Administrator's Office is requested to provide by November 1 of each year a detailed report on how this appropriation is used, including the amount spent on testing, treatment, and assessments for offenders.

COMMENT:

Background Information. In FY 2006-07, the Joint Budget Committee approved a request to combine various appropriations from the General Fund, Offender Services Cash Fund, Drug Offender Surcharge Fund, and the Sex Offender Surcharge Fund, to create a single line item entitled "Offender Treatment and Services". The purpose of this organizational change was to: (a) provide increased flexibility to local probation departments to allocate funds for treatment and services for indigent offenders or those otherwise unable to pay; and (b) reduce year-end reversions of unspent cash funds.

The portion of the Offender Treatment and Services appropriation that is designated for offenders on probation is divided among the 22 judicial districts as "block grants" based on the number of FTE and the number of probationers under supervision in each district. Each probation department then develops a local budget for each of the approved treatment and service areas. The local allocation of funds depends on the availability of treatment and services and the particular needs of the local offender population.

FY 2018-19 Expenditures

The following table details actual expenditures from this line item for FY 2018-19.

OFFENDER TREATMENT AND SERVICES EXPENDITURES	
ITEM	AMOUNT
Adult Sex Offender Assessment	975,252
Adult Sex Offender Polygraph	372,619
Adult Sex Offender Treatment	961,814
Domestic Violence Treatment	1,585,185
Drug Testing Services & Supplies	4,429,987
DUI Level II 4+ Treatment	81,279
Education & Vocation Assistance	85,785
Emergency Food, Housing, & Utilities	1,485,240
Evidence-Based Practices Implementation Support/Research	31,558
General Medical & Dental Assistance	12,552
Incentives / Reinforcements for Offenders	250,985
Juvenile Sex Offender Assessment	42,155
Juvenile Sex Offender Polygraph	67,570
Juvenile Sex Offender Treatment	388,376
Language Access	210,166
Mental Health Services	864,722
Monitoring Services	410,735
Restorative Justice	211,550
Rural/Specialized treatment initiatives	32,988
Special Needs Services	960,513
Substance Abuse Treatment	3,043,743
Transfer Day-Reporting Funds To CDOC	25,000
Transfer HB10-1352 Funds To Denver County	122,341
<u>Transportation Assistance</u>	<u>468,680</u>
Grand Total	17,120,795

APPENDIX D

DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1) (b), C.R.S., five Judicial Branch agencies are required to publish an **Annual Performance Report** by November 1 of each year:

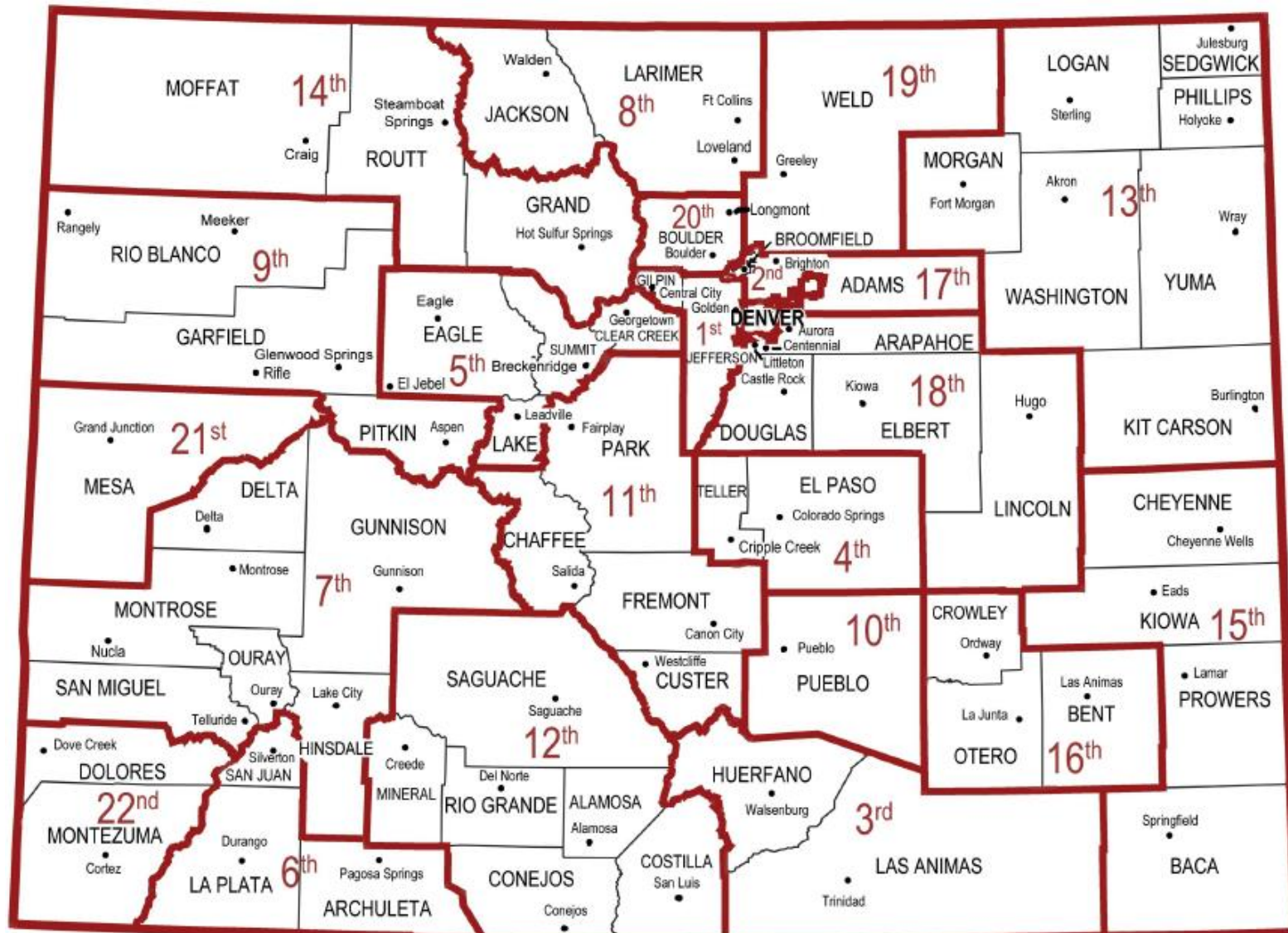
- The Judicial Department (i.e., state courts and probation);
- The Office of the State Public Defender;
- The Office of the Alternate Defense Counsel;
- The Office of the Child's Representative; and
- The Office of the Child Protection Ombudsman.

These reports are to include a summary of the agency's performance plan and most recent performance evaluation for the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., these agencies are required to develop a **Performance Plan** and submit the plan for the *current fiscal year* to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year. For consideration by the Joint Budget Committee in prioritizing the FY 2020-21 budget requests of these agencies, their FY 2018-19 Annual Performance Reports, and FY 2019-20 Performance Plans can be found at the following links:

AGENCY	REPORT	PLAN
Judicial Department	Performance Report	Performance Plan
Office of the State Public Defender	<u>Performance Report</u>	<u>Performance Plan</u>
Office of the Alternate Defense Counsel	<u>Performance Report</u>	<u>Performance Plan</u>
Office of the Child's Representative	<u>Performance Report</u>	<u>Performance Plan</u>
Office of the Child Protection Ombudsman	<u>Performance Report</u>	<u>Performance Plan</u>

Reports and plans for all departments required to report can be found here:
<https://operations.colorado.gov/departments-performance-plans>

APPENDIX E: COLORADO JUDICIAL DISTRICTS MAP WITH COURT LOCATIONS



Courts are located in the towns and cities displayed on this map.

APPENDIX F: COURT FILINGS BY COURT AND CASE TYPE

This appendix includes three tables that detail the number of new state court case filings for each fiscal year, FY 1998-99 through FY 2018-19. Table 1 details the number of filings for each of the five types of state courts. Table 2 details the number of district court filings by case type, and Table 3 details the number of county court filings by case type. Much more information can be found in the Department's Annual Statistical Reports.

TABLE 1: NEW CASE FILINGS						
FISCAL YEAR	SUPREME COURT	COURT OF APPEALS	DISTRICT COURTS	WATER COURTS	COUNTY COURTS	TOTAL
1998-99	1,525	2,647	161,341	1,270	451,987	618,770
1999-00	1,617	2,502	159,596	1,224	446,725	611,664
2000-01	1,367	2,335	155,220	1,257	444,629	604,808
2001-02	1,368	2,673	164,237	1,550	469,993	639,821
2002-03	1,401	2,589	169,458	1,672	498,515	673,635
2003-04	1,317	2,558	177,358	1,285	514,094	696,612
2004-05	1,466	2,766	183,512	1,109	555,447	744,300
2005-06	1,393	2,748	189,415	1,303	556,136	750,995
2006-07	1,534	2,548	189,235	1,220	551,197	745,734
2007-08	1,657	2,753	187,352	1,131	562,570	755,463
2008-09	1,643	2,809	188,537	1,268	562,103	756,360
2009-10	1,518	2,890	236,671	1,215	541,591	783,885
2010-11	1,387	2,742	246,728	956	505,265	757,078
2011-12	1,538	2,711	288,867	1,076	484,371	778,563
2012-13	1,457	2,539	230,337	851	446,255	681,439
2013-14	1,465	2,458	216,073	897	430,398	651,291
2014-15	1,549	2,413	224,591	847	425,947	655,347
2015-16	1,494	2,204	217,569	844	412,714	634,825
2016-17	1,285	2,355	215,369	1,068	410,355	630,432
2017-18	1,231	2,482	232,803	879	413,894	651,289
2018-19	1,231	2,481	224,014	942	412,806	641,474
<i>% of Total in FY 2018-19</i>	<i>0.2%</i>	<i>0.4%</i>	<i>34.9%</i>	<i>0.1%</i>	<i>64.4%</i>	<i>100.0%</i>

TABLE 2: NEW DISTRICT COURT CASE FILINGS

FISCAL YEAR	FORECLOSURES AND TAX LIENS	CIVIL (EXCLUDING FORECLOSURES AND TAX LIENS)	FELONY CRIMINAL	DOMESTIC RELATIONS	JUVENILE (EXCLUDING D&N, AND TRUANCY)	PROBATE	MENTAL HEALTH	DEPENDENCY & NEGLECT (D&N)	TRUANCY	TOTAL
1998-99	16,387	22,461	37,538	31,885	31,957	11,714	4,142	3,133	2,124	161,341
1999-00	16,319	22,842	35,770	32,318	30,969	11,605	4,141	3,401	2,231	159,596
2000-01	13,470	23,765	36,860	31,068	29,169	11,360	4,216	3,313	1,999	155,220
2001-02	16,865	24,484	39,147	32,166	29,950	11,655	4,229	3,552	2,189	164,237
2002-03	19,058	24,918	41,257	31,771	30,403	11,762	4,330	3,869	2,090	169,458
2003-04	26,223	25,623	42,427	30,826	29,678	11,653	4,528	4,338	2,062	177,358
2004-05	29,841	25,624	45,405	31,064	28,576	11,706	5,021	4,195	2,080	183,512
2005-06	34,552	25,994	46,501	32,481	27,248	11,525	4,653	4,136	2,325	189,415
2006-07	38,492	26,111	44,245	32,230	25,971	11,198	4,459	3,852	2,677	189,235
2007-08	35,212	28,987	40,494	33,025	26,290	11,551	4,713	3,883	3,197	187,352
2008-09	36,657	30,823	39,464	33,190	25,101	11,443	4,795	3,851	3,213	188,537
2009-10	84,932	31,414	36,993	35,624	23,849	12,189	5,159	3,568	2,943	236,671
2010-11	95,646	29,951	35,966	36,009	23,814	13,655	5,543	3,276	2,868	246,728
2011-12	140,815	28,230	35,551	35,434	22,819	14,042	6,064	3,265	2,647	288,867
2012-13	83,319	25,284	37,737	34,629	21,392	15,555	6,480	3,223	2,718	230,337
2013-14	72,568	23,757	37,966	34,907	19,685	15,203	7,072	2,971	1,944	216,073
2014-15	78,312	22,800	40,903	34,841	19,735	15,728	7,326	2,989	1,957	224,591
2015-16	65,663	22,614	46,004	34,966	19,028	16,309	7,689	3,275	2,021	217,569
2016-17	57,919	22,713	51,775	35,057	18,146	16,619	7,947	3,355	1,838	215,369
2017-18	73,298	22,878	54,479	34,357	18,053	16,738	7,933	3,143	1,924	232,803
2018-19	64,429	22,866	56,292	33,610	18,048	16,191	7,779	2,957	1,842	224,014
<i>% of Total in FY18-19</i>	<i>28.8%</i>	<i>10.2%</i>	<i>25.1%</i>	<i>15.0%</i>	<i>8.1%</i>	<i>7.2%</i>	<i>3.5%</i>	<i>1.3%</i>	<i>0.8%</i>	<i>100.0%</i>

TABLE 3: NEW COUNTY COURT CASE FILINGS							
FISCAL YEAR	TRAFFIC	TRAFFIC INFRACCTIONS	CIVIL	MISDEMEANORS	FELONY COMPLAINTS	SMALL CLAIMS	TOTAL
1998-99	159,861	64,018	121,987	69,932	20,301	15,888	451,987
1999-00	140,183	70,094	127,017	73,853	20,010	15,568	446,725
2000-01	133,860	70,090	139,919	72,354	13,445	14,961	444,629
2001-02	138,439	69,800	151,905	72,973	21,285	15,591	469,993
2002-03	149,720	74,947	165,210	74,367	18,833	15,438	498,515
2003-04	159,413	82,732	165,324	74,779	17,554	14,292	514,094
2004-05	167,488	107,780	175,847	72,607	18,137	13,588	555,447
2005-06	168,155	101,386	176,244	75,703	21,268	13,380	556,136
2006-07	165,298	95,421	184,994	74,094	18,510	12,880	551,197
2007-08	162,729	96,483	198,229	74,136	18,393	12,600	562,570
2008-09	155,235	100,804	202,958	73,605	17,235	12,266	562,103
2009-10	141,493	95,557	206,954	69,695	16,795	11,097	541,591
2010-11	126,788	84,610	200,250	67,137	16,851	9,629	505,265
2011-12	121,112	75,464	193,282	70,068	15,328	9,117	484,371
2012-13	115,465	67,581	174,466	62,740	17,832	8,171	446,255
2013-14	117,389	69,515	158,526	60,585	16,794	7,589	430,398
2014-15	124,922	70,375	144,868	62,131	16,247	7,404	425,947
2015-16	118,215	69,782	138,631	60,682	18,095	7,309	412,714
2016-17	115,370	66,561	140,462	61,298	19,546	7,118	410,355
2017-18	113,865	65,344	143,591	62,589	21,515	6,990	413,894
2018-19	112,733	65,572	142,877	61,951	23,018	6,655	412,806
<i>% of Total in FY 17-18</i>	<i>27.3%</i>	<i>15.9%</i>	<i>34.6%</i>	<i>15.0%</i>	<i>5.6%</i>	<i>1.6%</i>	<i>100.0%</i>

APPENDIX G: COURT STAFFING LEVELS FOR FY 2019-20

TABLE 1: FY 2019-20 STAFFING LEVELS FOR DISTRICT COURT JUDICIAL OFFICERS

Judicial District	Counties	Actual Judges (FTE)	Actual Magistrates (FTE)	Actual Water Referees (FTE)	Actual Judicial Officer Total (FTE)	Needed Staffing Level (FTE)	Actual FTE Over/(Under) Need	Staffing Percentage
1	Gilpin, Jefferson	14.0	8.0	0.0	22.0	27.1	-5.1	81.0%
2	Denver - District Court	27.0	3.8	0.0	30.8	38.8	-8.1	79.2%
2	Denver - Juvenile Court	3.0	1.3	0.0	4.3	3.9	0.4	110.4%
2	Denver - Probate Court	1.0	0.8	0.0	1.8	2.0	-0.3	86.6%
3	Huerfano, Las Animas	2.0	0.0	0.0	2.0	3.0	-1.0	66.4%
4	El Paso, Teller	24.0	9.5	0.0	33.5	45.7	-12.2	73.4%
5	Clear Creek, Eagle, Lake, Summit	6.0	0.0	0.0	6.0	5.7	0.3	105.1%
6	Archuleta, La Plata, San Juan	4.0	0.1	0.4	4.5	5.1	-0.7	86.6%
7	Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	5.0	0.5	0.8	6.3	7.9	-1.6	79.3%
8	Jackson, Larimer	9.0	4.5	0.0	13.5	16.5	-3.1	81.5%
9	Garfield, Pitkin, Rio Blanco	5.0	0.0	0.8	5.8	6.4	-0.7	89.2%
10	Pueblo	8.0	1.8	0.5	10.3	13.1	-2.9	78.1%
11	Chaffee, Custer, Fremont, Park	4.0	1.3	0.0	5.3	7.0	-1.8	74.7%
12	Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache	4.0	0.0	0.3	4.3	5.2	-1.0	81.7%
13	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	5.0	0.0	0.0	5.0	6.3	-1.3	79.0%
14	Grand , Moffat, Routt,	3.0	0.0	0.4	3.4	3.8	-0.4	90.0%
15	Baca, Cheyenne, Kiowa, Prowers	2.0	0.0	0.0	2.0	2.0	0.0	98.9%
16	Bent, Crowley, Otero	2.0	0.5	0.0	2.5	3.3	-0.8	75.2%
17	Adams, Broomfield	16.0	6.3	0.0	22.3	28.8	-6.6	77.2%
18	Arapahoe, Douglas, Elbert, Lincoln	24.0	7.3	0.0	31.3	37.4	-6.2	83.5%
19	Weld	11.0	2.8	1.0	14.8	17.8	-3.0	82.9%
20	Boulder	9.0	2.3	0.0	11.3	13.8	-2.5	82.0%
21	Mesa	6.0	3.0	0.0	9.0	10.8	-1.8	83.4%
22	Dolores, Montezuma	2.0	0.1	0.0	2.1	2.3	-0.2	89.6%
STATEWIDE: 2019-20		196.0	53.5	4.0	253.5	314.0	-60.5	80.7%
<i>Historical Statewide Staffing Levels:</i>								
FY 2018-19		181.0	54.9	4.0	239.9	309.6	-69.7	77.5%
FY 2017-18		181.0	52.2	4.0	237.2	303.3	-66.1	78.0%
FY 2016-17		181.0	51.3	4.0	236.3	287.1	-50.9	82.0%
FY 2015-16		181.0	49.7	4.0	234.7	277.7	-43.0	85.0%
FY 2014-15		180.0	44.8	4.2	229.0	256.6	-27.6	89.0%
FY 2013-14		178.0	41.6	4.2	223.8	270.2	-46.4	83.0%
FY 2012-13		176.0	41.6	4.2	221.8	267.2	-45.4	83.0%
FY 2011-12		175.0	41.3	4.2	220.5	262.4	-41.8	84.0%

1/ Need is based on actual case filings from 4/1/18 through 3/31/20. The Department's workload model for district court judicial officers was most recently updated in 2010.

All Actuals are from FY19 Verified Staffing and also include judgeships created by SB19-043.

Staffing Percentage equals Judicial Officer Actual divided by Judicial Officer Need.

FY 2019-20 Staffing Levels for County Court Judicial Officers						
County	Actual Judges (FTE)	Actual Magistrates (FTE)	Actual Judicial Officer Total (FTE)	Needed Staffing Level (FTE) 1/	Actual FTE Over/(Under) Need	Staffing Percentage
Class B Counties:						
Adams	8.0	1.0	9.0	13.3	-4.3	67.7%
Arapahoe	8.0	2.0	10.0	12.1	-2.1	82.7%
Boulder	5.0	0.0	5.0	5.6	-0.6	89.3%
Broomfield	1.0	0.0	1.0	1.2	-0.2	85.9%
Douglas	3.0	1.0	4.0	4.6	-0.6	87.3%
Eagle	1.0	0.0	1.0	1.1	-0.1	87.7%
El Paso	10.0	2.9	12.9	15.9	-3.1	80.7%
Fremont	1.0	0.0	1.0	1.0	0.0	99.3%
Jefferson	9.0	0.5	9.5	11.8	-2.3	80.5%
La Plata	1.0	0.0	1.0	1.3	-0.3	76.7%
Larimer	5.0	0.5	5.5	7.0	-1.4	79.2%
Mesa	3.0	0.0	3.0	4.2	-1.2	71.4%
Montrose	1.0	0.0	1.0	1.2	-0.2	82.6%
Pueblo	3.0	0.5	3.5	4.2	-0.7	83.6%
Summit	1.0	0.0	1.0	1.0	0.0	98.8%
Weld	4.0	0.5	4.5	6.3	-1.8	70.9%
TOTAL for Class B Counties: FY 2019-20	64.0	8.9	72.9	91.8	-18.9	79.4%
<i>Historical Staffing Levels for Class B Counties:</i>						
FY 2018-19	64.2	8.8	72.8	91.2	-18.3	79.9%
FY 2017-18	64.0	9.3	73.3	70.8	2.6	103.6%
FY 2015-16	64.0	11.9	75.9	72.8	3.1	104.3%
FY 2014-15	64.0	15.0	79.0	72.9	6.1	108.4%
FY 2013-14	64.0	16.0	80.0	78.2	1.8	102.3%
FY 2012-13	64.0	16.0	80.0	83.5	-3.5	95.8%
FY 2011-12	63.0	15.7	78.7	86.0	-7.3	91.6%

1/ Need is based on actual case filings from 4/1/18 through 3/31/19. The workload model for county court judicial officers was most recently updated in 2018.

FY 2019-20 Staffing Levels for District and County Court Staff					
Judicial District	Counties	Actual Staffing Level (FTE) /1	Needed Staffing Level(FTE) 2/	Actual FTE Over/(Under) Need	Staffing Percentage
1	Gilpin, Jefferson	140.3	164.5	-24.3	85.2%
2	Denver - District Court	136.6	170.6	-34.0	80.1%
2	Denver - Juvenile Court	13.8	13.3	0.5	103.5%
2	Denver - Probate Court	22.7	22.3	0.4	101.8%
3	Huerfano, Las Animas	19.3	22.2	-3.0	86.7%
4	El Paso, Teller	203.2	261.2	-58.0	77.8%
5	Clear Creek, Eagle, Lake, Summit	44.3	47.9	-3.6	92.4%
6	Archuleta, La Plata, San Juan	29.5	35.9	-6.4	82.1%
7	Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	46.8	55.0	-8.2	85.1%
8	Jackson, Larimer	80.0	99.3	-19.3	80.5%
9	Garfield, Pitkin, Rio Blanco	40.3	45.5	-5.3	88.5%
10	Pueblo	61.3	74.3	-13.0	82.4%
11	Chaffee, Custer, Fremont, Park	37.4	46.7	-9.3	80.1%
12	Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache	34.0	40.3	-6.3	84.4%
13	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	38.3	46.6	-8.4	82.0%
14	Grand , Moffat, Routt	26.5	29.3	-2.8	90.4%
15	Baca, Cheyenne, Kiowa, Prowers	15.5	18.9	-3.4	82.2%
16	Bent, Crowley, Otero	19.8	23.1	-3.4	85.4%
17	Adams, Broomfield	146.0	177.9	-31.9	82.1%
18	Arapahoe, Douglas, Elbert, Lincoln	203.5	239.7	-36.2	84.9%
19	Weld	85.0	105.7	-20.7	80.4%
20	Boulder	73.2	83.0	-9.8	88.2%
21	Mesa	53.3	64.5	-11.2	82.6%
22	Dolores, Montezuma	18.5	20.8	-2.3	88.8%
STATEWIDE: FY 2019-20		1588.5	1908.5	-320.0	82.3%
<i>Historical Statewide Staffing Levels:</i>					
FY 2018-19		1,537.50	1,845.00	-307.5	83.3%
1/ Total staff number for FY 2019-20 includes all district court and county court case processing staff, law clerks, court reporters, administrators, and family court facilitators, self-represented litigant coordinators, protective proceedings monitors and problem solving court coordinators.					
2/ Need is based on actual case filings from 4/1/18 through 3/31/19. The workload model was finalized in 2017 and now includes self-represented litigant coordinators, protective proceedings monitors and problem solving court coordinators as well as a supervisor ratio component.					

APPENDIX H: STATE FUNDING FOR DISTRICT ATTORNEYS

Colorado's district attorneys' offices (DAs) are responsible for prosecuting all criminal and traffic cases filed in district and county courts. While DAs' budgets are primarily set and provided by boards of county commissioners within each respective judicial district, the State provides direct funding for DAs in the following areas:

STATE FUNDING DIRECTLY BENEFITING DISTRICT ATTORNEY (DA) OFFICES			
STATE DEPARTMENT	LINE ITEM	PURPOSE	CURRENT APPROPRIATION ^a
Judicial	ACTION and Statewide Discovery Sharing Systems	Payment to CDAC to fully support operations of the ACTION case management system, and to fund the development and implementation of a statewide discovery sharing system	\$3,240,000
Law	District Attorneys' Salaries	Covers 80 percent of the statutory minimum salary for each elected DA (currently \$130,000), plus the associated PERA and Medicare costs	2,754,858
Judicial	District Attorney Mandated Costs	Reimburses DA office expenses incurred in prosecution of state matters (e.g., expert witness fees and travel expenses, mailing subpoenas, transcripts, etc.)	2,661,686
Corrections	Payments to District Attorneys	Payments to DA offices for costs associated with prosecuting crimes alleged to have been committed by persons in the custody of the Department of Corrections	681,102
Judicial	District Attorney Adult Pretrial Diversion Programs	Funding to support DA pretrial diversion programs	569,000
Law	Deputy District Attorney Training	Payment to the Colorado District Attorneys' Council (CDAC) for the provision of prosecution training, seminars, continuing education programs, and other prosecution-related services	350,000
Higher Education	Prosecution Fellowship Program	Funding to support an estimated six fellowships for recent Colorado law school graduates, allowing them to pursue careers as prosecutors in rural areas	356,496
Public Safety	Witness Protection Fund	Payments to DA offices for qualifying expenses related to security personnel, travel expenses, lodging, and other immediate witness protection needs	50,000
TOTAL			\$10,663,142

Appendix I

Letter from ORPC Commission

The Law Office of Becky Briggs, LLC



Becky Briggs, Attorney at Law #40626

Dear Joint Budget Committee,

My name is Rebecca Briggs, and I am the Chairperson of the Commission for the Office of Respondent Parents' Counsel (ORPC) in Colorado. I, along with my fellow Commission members, write to encourage you to approve establishing a salary range between a District Court Judge and a Court of Appeals Judge for the ORPC Executive Director, Melissa Thompson.

As the Commission, we want to fulfill our statutory duties to select the most talented and capable director possible. In the event Ms. Thompson leaves the position, we want to be able to account for the skills that a would be nominee should have in this area. In reviewing §13-92-103 ("*Structure of the Commission*"), it is clear from the statutory language that we are charged with retaining the person that we have selected, and because the salary is currently fixed, we are not permitted the ability to incentivize superb work.

Ms. Thompson is a dynamic force in the justice community of Colorado. In her position as Director of the ORPC over the last three years, she has overseen an organization which functions as a vital safety net, watchdog, and agent for reform—a role that she is uniquely situated to perform. The ORPC ensures

procedural and actual fairness for their clients through the use of recent, evidence-based developments in child welfare law, as well as new approaches to existing legal frameworks.

Ms. Thompson has substantial experience in criminal justice and a demonstrated commitment to serving individuals who cannot afford to pay for their representation. She is also experienced in policy development. The leadership she demonstrates permeates all levels of the organization, from the state office to the nearly 300 independent contract attorneys, enabling the Respondent Parent Attorneys (RPC) to advocate skillfully and vigorously for their indigent clients.

Ms. Thompson monitors and researches implementation of statutes in relation to parents' rights, and serves as a driving force for trial and appellate counsel. With assistance from her staff, Ms. Thompson collects, processes, evaluates, and uses the relevant data as the basis for statewide administrative reform, advocacy, public education, and litigation. She works in tandem with her Training Director and oversees the training program of contract attorneys. A primary goal of the ORPC's training program is to foster a sense of community and support among solo practitioners across the state who frequently operate independently and without the benefit of an office model. Here are some examples of the type of feedback RPCs have about Melissa's leadership, which are gleaned from the ORPC's September 2019 annual fall conference evaluation:

Melissa Thompson is always on point with her discussion and the opening lecture. Everyone was recognized and applauded for their achievements and this is helpful for our morale.

Melissa's speech - Very inspiring. I like seeing the collaboration & support.

I really liked Melissa's intro - this is my first conference and I'm impressed by the collegiality & support. It is well organized and the amount of support is overwhelming. I did these cases in another state & this type of support and information didn't exist.

In addition to establishing a strategic vision for the ORPC's training program, Ms. Thompson is also in the process of creating a new mission statement and has already developed an entirely new strategic planning scheme for the ORPC. To assist in meeting these long term goals, she has hired a Director of Engagement, a Programs Analyst focused on data collection and interpretation, and a new Training Director. She manages the various ORPC missions—direct representation, consulting, training, policy reform, and research.

Partnering with her CFO, Ms. Thompson is also responsible for office budget responsibilities and completion of timely and accurate administrative reports and documentation. Together, they manage their budget with transparency and flawless organization.

She has an advanced understanding of the law, and a keen ability to consult with others on litigating cases in Colorado state and appellate courts. She is familiar with the requisite court system and is able to communicate effectively with agencies and individuals that interact with the ORPC.

Ms. Thompson recognizes the importance of providing her lawyers with an interdisciplinary team so that their clients have all the support they need to succeed. To that end, she coordinates holistic litigation and representation schemes for clients, making certain that ORPC offers investigators, social workers, family advocates, and experts for its attorneys' practice. She also conceptualizes and drafts arguments for the appellate courts. One RPC attorney provided this feedback in the September 2019 RPC Satisfaction Survey:

Making resources available like the motions bank, case consults with Melanie and Ruchi and systems support from Ashlee and Melissa help tremendously with managing my burnout. I sometimes feel defeated and the support and encouragement I receive helps to keep my morale up.

Ms. Thompson routinely participates in national trainings and conferences on parental rights issues, and is always on the forefront of studies relating to parent representation and its impact on permanency and safety outcomes. She continually drafts strategic communications around the parents' rights and strengthens communication channels. She has led, organized, and implemented a rapidly expanding Social Worker Pilot Project that was recently evaluated and demonstrated positive results, showing that cases where parents had access to a multidisciplinary team show a reduction in the time that children are placed in out of home care and increase a parent and child's likelihood of being reunified safely at case closure. It is anticipated that Ms. Thompson's efforts to expand this model of representation will actually save the state of Colorado money long term, as a reduction in the number of children and families who experience the trauma of a removal can create improved school performance, higher graduation rates, and a reduced likelihood of ongoing child welfare court involvement and possible incarceration as juveniles or adults.

Ms. Thompson demonstrates a commitment to diversity within the office, using a personal approach that values all individuals and respects differences in race, ethnicity, age, gender identity and expression, sexual orientation, religion, disability, and socio-economic circumstance. On both a micro and macro level, she has a commitment to working collaboratively and respectfully toward resolving obstacles and conflicts. When a beloved employee of the office passed this year, Melissa guided her team with steady and compassionate leadership as they navigated the loss of their coworker and friend.

To conclude, Ms. Thompson's responsibilities and workload are on par with the Colorado State Public Defender, the Colorado State Attorney General, and all the Colorado Court of Appeals Justices. She heads an organization dedicated to defending parents under extremely challenging circumstances, and she continues to push for and obtain systemic change. The ORPC Commission recommends her position for approval of establishing a salary range with the highest enthusiasm and confidence.

Should you have any questions or require any additional information, please never hesitate to contact myself or the other Commission members.

Respectfully Submitted,

/s/ Becky Briggs

Becky Briggs,

Attorney at Law and Chairperson of ORPC Commission

315 Colorado Ave
Pueblo, CO 81003
O (719) 924-9954
F (970) 826-7050
beckybriggslaw@gmail.com